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The Week

MOST of the newspaper correspondents at Geneva during the present meeting of the League Assembly seem to be suffering from the disease which Nicholas Murray Butler once described as day-to-dayness. The meeting of the Assembly is the occasion for a flood of official oratory in which various statesmen explain the pure idealism of the policies their respective countries are pursuing; and enthusiastic newspapermen, hearing these speeches, are persuaded that a new era of peace and good-will has dawned upon the earth. Anyone may discover how unlikely it is that such is the case by recalling the promises held out by the similar oratory of previous years, and the subsequent failure of the chief powers to alter their existing policies in any degree, basing these as always upon an acute and realistic desire to do as well as possible for themselves regardless of what happens to others.

CERTAINLY there has been some progress in the past year. The evacuation of the Ruhr is a clear gain; and with the Dawes plan in operation, the reparations question is at least for the present removed from the danger zone of international controversy. On the other hand, the difficulties which still remain to be surmounted before we can hope to reach a lasting peace are enormous; and the League, for all the fair words of its friends, continues, as it has been from the beginning, unable to do anything in settling these major issues unless and until the great powers find the use of its machinery a convenience. The League, for example, is carefully avoiding the Moroccan war, probably on the highly technical ground that it is a "domestic matter." While the Assembly has listened with due politeness to the appeal of China, it is almost sure to keep carefully away from that hornet's nest of trouble. If the Franco-British-German security pact becomes a reality, the League machinery will be invoked to decide upon what occasions French troops are to be permitted to march across Germany to the assistance of Poland and Czechoslovakia; but the real agreement will be one with which the League has had nothing to do. It will be the concession by Germany that for the sake of lessening the present intolerable international tension she will abandon permanently the attempt to regain by force the territory which, in a fashion regarded by all Germans as unjust, has been given to Poland. Even in such a case as the Mosul boundary dispute, a typical example of the sort of activity which the League should be best fitted to undertake, there is good reason to believe that the decision will be made, not on a basis of abstract justice, and certainly not in accordance with the wishes of the population involved, but on the simple formula that Great Britain is a powerful member of the League and needs oil; and that Turkey isn't and doesn't.

AMONG the by-products of the present League meeting is an attempt, which is likely to prove successful, to prevent the calling of a disarmament conference by the United States. M. Painlevé has suggested that the League call such a conference on its own account. Machinery will probably be set up to decide whether in the course of the next year or so the general question of security has been sufficiently solved to hold out any hope of success for such a meeting. The United States, of course, would not enter a gathering held under

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League auspices. President Coolidge would like, for several reasons, to repeat Mr. Harding's success with the Washington Conference of 1921. But the French have good reason for not wishing to attend another meeting of that sort, at which, with no reference at all to the problem of security or her special position in Europe since 1919 as guarantor to the Succession States of the treaty terms, she would be asked to make an arbitrary and permanent reduction in her naval and military forces. The Coolidge conference if held under present conditions would in our judgment be doomed to failure. Most of the special conditions which favored the conference of 1921 have disappeared. Even under those highly favorable circumstances, it was only with the greatest difficulty that we were able to obtain a limited and largely illusory success. Any general conference on disarmament held now or in the future cannot avoid considering the question of a universal guarantee of security in some such terms as were provided in the rejected Procotol of Geneva. Great Britain has said flatly that she is not prepared to accede to those terms. While America has not gone on record, it is equally sure that this country is far from being ready to accept them. Until public opinion in these, the two most powerful countries in the world, is ready to adopt the essential principle of general arbitration of all disputes and the outlawing of war, except as a punitive measure against a nation which has itself broken the peace, any international arrangement for settling disputes or reducing armament is bound to be of a limited and temporary character.

COLONEL William Mitchell has succeeded at last in getting official notice taken of his charges against the Army and Navy. Like a child who bites, kicks and screams in order to get his parents' attention and tell them the house is on fire, he has in the past been criticized for his manners while the urgency of his message has been overlooked. Now, however, one investigation, that by President Coolidge's civilian committee, is certain, and another, the court martial on Colonel Mitchell himself, is likely. Neither of these, probably, will go into the matter dearest to the Colonel's heart, the necessity for one unified air service, but the civilian inquiry will at least throw some light on the question whether, as he says, the lives of airmen are being thrown away because of "incompetence and criminal neglect" by high officials. In regard to the two recent happenings which inspired his denunciation, the passage of time has not in any degree refuted his allegations. There appears to be good ground for believing that unnecessary risks were taken with the Shenandoah; and the happy rescue of Commander Rodgers and his men in the PN-9 No. 1 does not disprove the contention that their flight should never have been made at all, or only under vastly different circumstances. The personnel of the new committee appointed by President Coolidge makes it reasonable to hope that all these matters will now be cleared up.

AS WAS the case last winter, Colonel Mitchell is coming in for vigorous criticism on the ground that his attacks on his superior officers are contrary to good discipline, without which no army can win a war. We have little sympathy with this argument. It confuses the real necessity that men in the ranks shall do what they are told with the alleged necessity that officers shall utterly suspend their own intelligence and permit the country to drift into catastrophe if their commanders happen to be of low intelligence (which, under the seniority system, is likely enough to be the case). Even as regards the man in the ranks, the fetish of discipline is overrated; there are armies wherein our martinet-and-robot system is unheard of, which fight quite as well as our own. The notion that no one should do any thinking except some ultimate Grand Superior grows out of the natural human desire to undergo just as little painful mental exertion as possible. In the church it produces authoritarianism; in the school, the teacher who punishes students for "arguing"; in political life, the Constitution-worshiper. Unfortunately, the army, where its growth is rankest, is the one institution of all others in which keeping up with new ideas is a matter of life-and-death importance.

PARTICULARLY dubious is the dictum that Colonel Mitchell ought to resign and carry on his crusade as a civilian. He is not interested in preserving anybody's moth-eaten notion of "the proprieties." He is interested in what he regards as his patriotic duty: waking up the whole country to a grave national peril which cannot be met except by drastic changes in our present way of doing things. As a civilian, even though tagged "ex-officer," he would not be one-tenth as effective. Sufficient evidence of this is the new investigation about to be undertaken by a Presidential committee, an investigation which must be credited directly to him. He could never in the world have brought it about except by "insubordination" as an officer. Colonel Mitchell should stay where he is. If he proves so effective a gadfly that the War Department can no longer endure him, let it put him out. Such a fate would enable him to carry on his agitation only less effectively than at present; and might indeed through an aroused public opinion produce the cataclysmic alteration in our national policy he is seeking.

THE issues behind the forthcoming election in Canada are an interesting sign of the times. They show a growing demand for modernization of the machinery of government, accompanied by a reaction, at least temporarily, toward extreme conservatism in general political view. The Liberal gov-

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ernment of MacKenzie King has resigned, after limping along without a majority, and will go to the country on a group of issues of which Senate reform and railroad policy are the chief. Senate members are appointed by the Governor General, on the Prime Minister's recommendation, for life; and naturally, the Senate is a club of rich old Conservatives. Since this practice is part of the Canadian constitution and the latter cannot be amended without the Senate's consent, it is clear that only a long succession of Liberal or Progressive Prime Ministers can hope to pack the Senate with men who will be willing to sign their own death warrants.

THE railroad question in Canada centres around the success or failure of government operation of the Canadian National system. Its friends and foes produce utterly contradictory sets of figures showing that it is now earning its way, or is still far from doing so. If a Conservative government should be returned, the experiment is in danger of being abandoned; and the trend in recent provincial elections makes such a result of the voting seem likely. In Canada as in other parts of the world, political groupings at the moment tend to form two widely separated camps: the rigid conservatives, and those so radical that the kind of liberalism which identifies itself with middle-of-the-road policies no longer interests them.

WE ARE sorry to see that a large portion of the daily press has swallowed whole the propaganda against Secretary Work and the present reclamation policy for which he is responsible. Ample warning has been given that this attack was impending, and ample indication that it would come from sources which can hardly be described as impartial. We are confident that when all the facts are available it will be found that Dr. Work's policy, instead of being a betrayal of true conservation doctrine, constitutes an adherence to it in the best sense, in that he has refused to countenance the pouring out of federal funds for projects where there was little or no likelihood that the settlers would be able to realize on their investment, to say nothing of the government's seeing a reasonable return, to itself or anyone else, on what it spends. The agitation against this policy comes from several sources. One is the owners of that vast amount of land, already in private hands, which would be greatly enhanced in value by the government projects carried on in the old manner. Another is persons who would expect to find remunerative employment in the carrying out of these huge enterprises. A third is the citizenry of the states and regions where the funds would be spent, who go on the general policy that the more money spent in their locality the better—provided it does not, or any part of it, come out of their own pockets. In too many cases in the past, reclamation has come to be looked upon as another example of pork barrel possibilities like rivers, harbors and post offices. We think it is all to Dr. Work's credit that he has set his face against this sort of casual squandering of funds.

IT IS interesting to note the psychology which is dominant in some of the Western states where Dr. Work has been most freely criticized. As long as any enterprise shows signs of producing a good profit, it is something which must by all means remain in the hands of private individuals; but the moment the profit becomes dubious, or there is certain to be none, the great policy of private capitalism goes into abeyance. So does the theory of states' rights, held in those regions with equal fervor. If a bag is to be held, let the federal government hold it; only when it is well filled do the sturdy Westerners show a zeal about transferring the burden to their own shoulders.

WHILE politicians continue to run around in their customary, useless circles, the scientists move steadily and implacably forward in their business of making over the world in which we live. Their achievements are often heralded too enthusiastically, as Dr. Francis Carter Wood pointed out in regard to a particular case in a recent issue; but by way of compensation, some of the most important pass almost unnoticed by the popular press. In a single budget of news recently put out by that excellent organization, the Science Service, of Washington, we learn that a new cure for syphilis, recently developed in France, seems to produce extraordinarily successful results; that radioactivity in rocks far below the earth's surface is now regarded by some scientists as the cause of the heat which in turn sets up the series of events resulting in earthquakes; that according to Dr. Einstein, his famous theory of relativity must either fall or be modified radically, if experiments performed at Mt. Wilson, California, by Prof. D. C. Miller are confirmed; and that the recording of sounds for reproduction along a magnetized wire, an invention which is likely to abolish phonographs and cause a revolution in telegraphy and telephony, has at last reached a practicable form. Such announcements as these of course need to be read with caution; but even so, they represent a type of alteration in conditions beside which the most revolutionary schemes of the politicians seem about as important as deciding whether you will wear a green or a red scarf.

Shall We Have Prohibition?

FIGURES can't lie—but liars can figure"; and never was this moss-grown old saying better illustrated than in the incessant, voluminous and highly emotional debate over the merits and demerits of prohibition which has been waged without cessation since 1919. Never have so many statistics been adduced in support of anything as have been

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used on both sides; and never have they been more grossly and patently unreliable and inaccurate.

We are told, for example, by the wets that the wildness of youth is the result of prohibition; yet England, where there is no prohibition, has a wild youth movement quite as serious as our own. The drys point to increased savings bank deposits as an indication that the abolition of the saloon has rescued the working man from misery. But our currency is still so much inflated that a 50 percent increase in volume over the pre-War period would mean no real advance, and the growth of deposits beyond this may well be due, and probably is, to the better economic position of labor in general during the post-War period. Those who oppose prohibition argue that it has made the country turn to whiskey and gin, and away from such milder tipple as beer and wine. Yet on the continent of Europe, where anyone may make his choice as freely as ever, there has been in recent years an enormous movement in the same direction. Attempts to link prohibition with the increase in crime are equally unscientific, as is evidenced by looking at the growing amount of the latter in the United States prior to 1919. The degree to which drinking has been diminished since the Volstead act is another matter as to which no reliable evidence is available. Nearly everyone who has looked into the matter at all carefully is of the opinion that there is much less of it than before, but the element of possible error in any such calculation is obviously great. The day is still far distant when we can make any really accurate summary of the benefits and evils of this, one of the most extensive and interesting social experiments in the history of mankind.

In the meantime, some highly illuminating sidelights on the whole question are contained in a 30,000 word study by the Research Department of the Federal Council of Churches, made public this week. While it does not pretend to be final and definite, it is much the most careful, comprehensive survey of the matter which, so far as we are aware, has yet been made anywhere. In addition to tapping the usual and familiar sources of information, the authors of this inquiry sent an elaborate questionnaire to 2,700 social workers all over the country, of whom one-tenth replied. They also investigated many "family case work" records showing conditions among that submerged portion of the population which is forced to appeal to municipal or private charitable organizations for aid.

That prohibition enforcement reached a maximum effectiveness in 1920-21, and has been declining since, is perhaps the most important of the conclusions drawn in the report. On the other hand, figures for 1924 and those incomplete ones available for 1925 indicate that the tide may be about to turn again. These investigators believe that prohibition is more effective among the working class than among wealthier individuals. They report that there is undoubtedly a marked increase in disregard for law, and for authority in general, among young people. Drinking is one of the ways in which this attitude is reflected, but they do not believe that prohibition is primarily responsible.

Statistics on deaths from alcoholism are a less reliable guide than those on cirrhosis of the liver, the report points out, since the figures in the former instance include numerous cases of actual poisoning, from bootleg liquor, while the latter disease is produced by steady drinking. The cirrhosis deaths, which reached a high point of more than 13.5 per 100,000 population in 1911, declined slowly but steadily to 12 in 1916. Thereafter the figure shrank rapidly until the beginning of 1919, when it was only 8. It still declined, but more slowly, through 1919, reaching in 1920 the lowest point of all, not much more than 7. The rate increased somewhat during 1921-22, to about 7.5, and decreased again almost to the low mark during 1923. Subsequent figures are not available. The decline from 1916-1919 was of course mainly due to the War. However, at no time during the prohibition era have the deaths attained more than two-thirds of the 1910-11 average.

This record undoubtedly must be read in the light of a general improvement in health, during the same period of time. People have learned in recent years, aided by the propaganda of the life insurance companies and other agencies, to take better care of themselves than formerly. Both gluttony and excessive drinking had been going out of fashion for at least a generation before 1919. The abandonment of liquor has not been accompanied by an increase in drug addiction, as is often charged. The report quotes with approval a survey showing this, made by the Foreign Policy Association, which has already been summarized in the New Republic; and adds the sensible comment of its own, that drugs are even harder to get than alcohol, and therefore would certainly not be made a substitute when the latter became scarce.

Several other popular suppositions are shown by this study to be fallacious. The authors declare that the total of smuggled liquor is only an insignificant proportion of the present consumption; that New York is not conspicuously wetter than other parts of the country; that the production of wine grapes in California, instead of having enormously expanded, was actually smaller by 50,000 tons in 1924 than in 1919. There has been an increase in table grapes, but this is explainable on other grounds. There is no doubt that a great deal of "sacramental wine" has been made and sold for ordinary consumption, but the total increase is believed to be not greater than 40 percent.

The report condemns in the strongest terms the general attitude in the past of the federal authorities, accusing them of having been less than half-hearted in their attempts at enforcement. Of Secretary Mellon it says frankly that he has never believed in prohibition himself and has conspicuously

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failed to furnish that leadership in efforts at enforcement which, under the law, his official position requires. It adds the interesting comment that he "has a mandate from business to guide the financial policy of the country in what are said to be safe channels," and confines himself strictly to this task. The greatly increased effectiveness of the federal government's anti-smuggling efforts in recent months is itself sufficient indictment of the previous futile attempt. Particularly pointed are the accusations against members of Congress for insisting for their own political purposes that prohibition enforcement officials should not be under the civil service. Political patronage, says this survey,

> is a curse to prohibition enforcement just as it is in every department of the government. If the prohibition agents are presently placed under the civil service it will probably remove one of the major difficulties of enforcement—a difficulty which is inherent in the law and is not chargeable to its administration. It is an unhappy commentary upon our political life that it should have been considered necessary, in order to secure passage of the national prohibition act, to exempt from the civil service and turn over to political patronage a large portion of the staff upon whose ability and integrity the success of the law depends.

Looking over the whole field, in the light of the decreasing effectiveness of prohibition since 1920, the authors of this report frankly admit that a crisis has been reached. They regard two elements as necessary to the success of prohibition: genuine enforcement not only by the federal but by state and municipal authorities, and a body of public opinion which supports such enforcement. They deny that prohibition was "put over" on the country "while our soldiers were in France"—pointing out that while only nine states had gone dry prior to 1914, twenty-three more did so during the next four years. However, they believe that the country is not facing frankly the dangers of the present situation; and that those who are interested in seeing the experiment succeed must take upon themselves the burden of seeking to create the atmosphere of respect for law which is a sine qua non for cutting down the amount of drinking to the irreducible minimum, whatever that is. This atmosphere is not to be produced, of course, by passing more laws, or by an increased display of Puritanical bigotry, but by a return to, and successful use of, the proselyting zeal which once existed.

We agree with the authors of this report that prohibition will not be effective until the opinion of the community is strongly behind it, which is certainly not the case at present even in those parts of the country where dry sentiment was strongest prior to 1919. We gravely doubt, however, that it will be possible to bring back the old crusading spirit. In our judgment the attitude of the country toward enforcement is the result of a complexus of forces which go far deeper, and are more important than, the mere division of opinion as to whether the consumption of alcohol is desirable. That complexus of forces grows out of the whole present tendency of our civilization, as accelerated by the War. Even under the old conditions, it would have required perhaps a quarter of a century to bring about so drastic an alteration in the habits of mankind. As things are at present, it may take even longer, or the experiment may in the end prove unworkable. But in either case, the pious sentiments of those who are the spiritual successors of the W. C. T. U. and the Anti-Saloon League will have little to do with the result.

Interstate Compacts In Coal

TAKE away coal and oil and we must go back to horses, oxen, human muscle, wood-fed furnaces, the mill wheel and the windmill. We must go back to 1800 and the population of 1800. Every great change in the human way of living has been accompanied by a change in mechanical power. And as mechanical technique has advanced, the source of power has become increasingly important to all of us at once. Break an arm, and one man suffers. Kill a horse, and a farm family is impoverished. Divert a stream, and a town starves. But cut off the coal supply, or waste it, or even raise its price, and a nation feels the pinch. That is why the coal industry, passing through a series of crises, calls more and more insistently for control in the public interest.

Today it happens to be labor relations that arouse the cry, but it might equally well be high royalties, profits and prices in the anthracite industry, or waste of coal underground, antique methods of exploitation and loss of man-power in the bituminous industry. Tomorrow—and its dawn already streaks the sky—another technical change will bring new necessities. Conversion of coal into electricity at the mine-mouth, the pooling of coal-made electricity with water-made electricity in great power reservoirs, the stringing of high-tension transmission lines across many states, the connection of local power sources with these inter-state lines, will knit us together more inextricably than before in reliance on a single kind of energy, and will so organize the production of this energy that it will come nearer than ever under unitary human control. Then we shall either be dependents on the bounty of the electricity-owning aristocracy, or citizens governing that estate. In such circumstances it is inevitable that the pressure for public control as a substitute for private control will be intensified.

It is high time to ask, how may the control be exercised? At this moment we are concerned, not primarily with the immensely complex engineering questions, but with the consideration of what political agency should be employed. The most obvious of political administrative agencies in our federal system are the several states and the nation. But there are good reasons why neither, acting alone, can at present handle the giant-power job.

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In the first place, coal must be mined and power must be generated from it. Each mine and each power station is located within an individual state. Though the products are sold in interstate commerce, the courts have held that the actual production of coal or of power is not subject to federal jurisdiction under the commerce clause of the Constitution. So far, the sovereignty of the several states appears to be dominant. But electricity is made also from streams. Navigable streams are under the jurisdiction of the federal government, and the water-power from them is controlled by a federal commission under a federal act. About 85 percent of our water-power and the generating stations depending on it are therefore subject to national control. There are also federally owned power stations such as that at Muscle Shoals. In the production of power therefore we have a legal confusion, a dual jurisdiction over the power sources which in fact must be linked together and operate conjointly under uniform policies. To cut this Gordian knot by a legal enactment handing over exclusive power to either states or nation would not automatically resolve the real conflicts of interest which may arise among various producing states, between producing and consuming states, between the several states and the national government.

The next step is the transmission of the power. So far as the transmission is within a state, the state alone is immediately concerned. So far as it passes into other states, those states are concerned also. So far as the transmission affects broad public policies, such as the proper location of industries, the nation is concerned. The political machinery for intra-state control is already set up, that for inter-state is not. Even if the latter were ready, we should again have the problem of adjustment among the several interests.

After the power is transmitted, it must be locally distributed. Here is what seems essentially a local function of control. Yet the success of local control in distribution is largely dependent upon the influence of the local interest over the preceding processes. A local commission cannot reduce rates below cost, and the cost of local distribution plants is largely dependent on the cost of the current received.

This tangle, as is pointed out in an excellent paper by Professor Felix Frankfurter and James M. Landis of the Harvard Law School*, is of a type that is characteristic of federal systems. Not only the history of the United States, but that of Australia, Canada and South Africa, exhibits frequent examples of it. But the resulting controversy has too often been stated in terms of a conflict of exclusive jurisdiction between the federal government and the local units. Such controversy is sterile; what is needed is inventiveness leading to coöperation and adjustment among the interests concerned. We need not choose between sole power for the national government and sole power for the separate states.

Important business practices are subject to state legislation, and yet common interest requires that these practices be fairly uniform. A National Conference of Commissioners on Uniform State laws has markedly promoted uniformity in such matters as warehouse receipts, bills of lading, sales, partnerships. Reciprocal state legislation, such as that on motor licenses and taxation, has come into wide use. The courts in decisions have consciously attempted to harmonize independent jurisdictions.

Governors' conferences, though not as effective as it was hoped when they were initiated, have considered many common state problems. We have auxiliary federal legislation to reinforce coöperative state laws. And the federal government, by grants of money, has encouraged state action in matters of general interest such as roads or education. In addition to these six developments, we have what Mr. Frankfurter feels is most hopeful for the future, and what he specifically recommends for the electric power situation—the inter-state compact.

Before the Revolution the states were engaged in frequent controversies, especially about boundaries. Such controversies could be settled either by quasi-litigation before a Royal Commission, or by negotiation leading to agreement, which had to be approved by the Crown. The Constitution preserved both these methods. The states may go before the Supreme Court to decide their quarrels. Or a state may "enter into any agreement or compact with another state" with "the consent of Congress." It cannot, of course, invade the national sovereignty, but Congress is the judge of whether any specific agreement does so. Litigation before the Supreme Court is not fitted to decide important administrative questions. But inter-state compacts embody the joint interests of the several states making them, and may be safeguarded in the national interest by the veto power of Congress.

Although this instrument has not been used as much as it might, it has proved valuable in more cases than most people suspect. In addition to settlement of boundary disputes, it has set up laws and machinery for continuous administration, such as control and improvement of navigation on inter-state waters, conservation of natural resources such as fish, water supply or forests, utility regulation. The most ambitious of these instruments in actual operation is the Port of New York Authority, created by agreement between New York, New Jersey and the federal government, to regulate the affairs of a port supremely important to all the parties concerned, which cannot be properly handled by any of them alone. This authority is empowered to own and operate transportation facilities as well as to plan, regulate and administer control of private agencies. Another ambitious attempt is the Colo-

* The Compact Clause of the Constitution—A Study in Inter-State Adjustments. Yale Law Journal. May, 1925.

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rado River compact, which remains unratified by Arizona, and hence is inoperative.

The inter-state compact has its dangers as well as its conveniences. In the first place, there are the dangers in its negotiation. Like all treaties, it is reached by a bargaining process which, laying emphasis on the several particular interests concerned, may result in a jumble of concessions which miss the best common solution. Requiring unanimous consent rather than majority vote, it may, even with such concessions, take so long in negotiation and ratification that irreparable damage is done which might have been avoided had the way of federal legislation been adopted. A previous editorial has pointed out these defects in the case of the Colorado River compact. Where they appear serious, we do not hold to the compact as the best instrument at hand. In any case they appear to us to invalidate it for use in matters like child labor legislation, which is of truly federal rather than regional interest. In the second place, faults may develop from the fact that the administrative control which it sets up is not subject to any single superior or corrective body which is responsible to the people. Neither federal nor state executive can control it directly. No single legislature can change its basic law. These lacks may make the administration inflexible, bureaucratic, or susceptible to special private interest. In spite of such dangers, however, Professor Frankfurter is doubtless justified in recommending the wider use of the compact. There are many situations to which it is well adapted.

In the case of coal and electric power the compact may, as strongly recommended in Governor Pinchot's report on Giant Power, be the way out. For our part, we should like to see a series of regional inter-state conferences authorized by the respective legislatures and Congress for the purpose of studying the problem, recommending desirable federal and state legislation, and negotiating compacts. They might call in the principle of grants-in-aid for such federal development as was desired, they might work out a means of coöperation among the federal water-power commission, the various state utility commissions, and such new inter-state or federal authorities as may be set up. There could be an anthracite conference for Pennsylvania and the anthracite-consuming states, a power conference for the Atlantic Seaboard and central region, one for the Southwest, one for the Pacific coast.

Out of the success of such conferences we should get a form of functional control adapted to our politico-legal system and necessary to cope with the modern economic situation. Out of their failure we should get much more light on what to do than we are likely to receive from the unprepared deliberations of Congress and the separate state legislatures, or from conflict between federalists and anti-federalists in debate and in the courts. For any solution requires, first of all, untangling and adjusting the various interests involved.

In Time for Supper

SENSATIONALISM? We've heard the word before. Yellow journalism? It's a familiar color, and our eyes have grown used to it. It doesn't make us blink as it used to, and indeed what seemed the most violent chrome a number of years ago is now pale pink beside the Tabloid's shriek. We are thoroughly used to sensational journalism, but while some of our feeling is callousness of the moral retina, a great deal of our unconcern comes from the fact that the newspapers, of whatever color, have really brought us to the point of seeing the world as a changed place—a place where, compared with thirty or forty years ago, the horrible and strange occurrence is the most usual one after all. A systematic and indefatigable emphasis, an efficient competition, has brought us to the point where everything strange and horrible gets into the news and very little of ordinary life can be said to be news at all. The current of existence, dull, safe and successful, flows on, but all we know, from reading the papers, is that the corpse of a suicide is found floating on it pretty nearly every day. Statistically, life as seen through the papers ought to strike us as peculiarly horrible; emotionally, we are deadened by repetition to all but super-horrors. Successive coats of yellow apparently result, not in yellow, but a sort of dull brown.

Things aren't so bad, then, as they might be, or as they ought to have turned out to be. But they are bad enough to make a row about, even an old row. Nothing is as good as an old row. And almost nothing is as old as the fact that the newspapers do not give us the truth—the Whole Truth. It's not their fault. Nobody wants the Whole Truth. Not because we are afraid of it, but because it would be so unbearably dull. We can be sure the newspapers are lying because what they tell us is every once in a while quite exciting. Most of the important things in life are not worth hearing about. Any newspaper editor who acted on the opposite theory could be fired.

Let us suppose such an editor actually to exist. His first step is a careful perusal of any ordinary newspaper, with a view to noting all the mistakes he is later to avoid. What does he see? A jumble something like this: Man and wife drowned on first ride in new car. Sixty-six thousand see double-header. Boy run over chasing straw hat. Dog finds way from Weehawken to old home in Astoria. Soldier poisoned by bad coffee, may die. Four trolleys crash on bridge. Cashier robbed of $800. Janitor lives to 100 with Rum's aid, chats and smokes. Pop-bottle crowns umpire. Baby falls nine floors, lives to tell tale. Masked Klansmen tar Kleagle by mistake. Non-stop reading of Bible starts Monday. While digging his wife's grave in California, a widower struck oil. . . .

Now our new-fangled editor, while he realizes that such items are wildly interesting, that they are

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even true, knows also that they are of no importance, that they represent but a small fraction of the truth, and to that extent are actually falsehoods. He knows full well what a distorted picture of the world is shown by such a collection. From this little miscellaneous pile of the horrible or strange he can reconstruct the Whole Truth, the important truth, and the truth that people ought really to be reading about. With one eye on the items in the newspaper he has just read, he can sketch for you a broad jumble of the actual truth something like this: A couple were drowned while out in their new car. Important to them no doubt, but quite unimportant to all the rest of us, particularly to the 1681 couples who returned safely in their new cars, and to whom that fact, did they but know it, would seem far more momentous than the drowning of A. and B. ten miles away. Likewise, how about the two or three millions who did *not* go to see the doubleheader?

Three million people, who would take thirteen hours to walk by your house, did not go to a ballgame! No less important than this mass movement, or absence of it, is the immense roll of persons whose straw hats never left their heads; and the smaller, but still considerable list of those who chased their hats without being run over. And what of the hundreds of dogs who never, never find their way home? Among canine facts, these hundreds of failures are surely more important than the solitary freak success. For every soldier poisoned by bad coffee, thousands daily swallow worse coffee and not only live, but forget it. In New Jersey alone are 1,100 trolleys which have never crashed. In our one street are nineteen cashiers who have never been robbed. Janitors die daily, by dozens, at all ages, mostly at ages which prove actuarial axioms, and with the aid of all sorts of whiskeys and tobaccos, or without such aid. The fact of the average janitor is of much greater general concern than a casual centenarian. And so on, down through the lowliest items, the 12,000,000,000 pop-bottles which have never been smashed on anyone's crown, the non-falling babies, end to end from here to Haiderabad, the regiments of unerring Klansmen and untarred Kleagles, the Bibles never read, the oilless sepulchres. . . .

Surely these things are important, and we can wish our editor the best of luck in starting a newspaper which presents the facts of the day as is, without favoritism. The true facts of the day, if we really stop to think about them, or as our editor's scare line eight-column streamer makes us stop to think about them, are along this line:

THOUSANDS REACH HOME
IN TIME FOR SUPPER

In a headline, after the initial shock has worn off, this news may not seem startling. But at bottom it is not only exciting, but important, far more important to the thousands concerned than the crushing of one of their number in a subway door. After all, journalism is for the multitude.

The newspaper we have in mind, the newspaper of tomorrow, would be devoted to just such large truths as the above. Under the banner heads would be quantities of unusual information, of a kind that people have never before received. Upon finishing it, the shirt-sleeved reader would be wiser in ways inconceivable to the base sheets of today. He would know, for example, that since the edition of the day before cows had been milked, 99 percent successfully, in forty-eight states of the Union; that 14,183,333 wallets had not been lost; that half the population of the world was still married, that ninety thousand pairs of pants had been pressed since morning, and that over a million private toothbrushes had been identified in the dark.

How, you may ask, will the reporters of this newspaper of the future gather their news? Nothing is so elusive from an inquiring mind sent out by the city desk as a safe, sane fact, like that about cows, for instance. How does the reporter, and the city desk, verify the dangerous hypothesis that most cows are milked successfully, or that, sooner or later, most pants get pressed?

That's their secret, and if we have any inkling of it we will not broadcast a colleague's means of livelihood. It will not be easy to discover such facts. Nor will it be a well-paid branch of the profession. In fact we suspect that there's not much money in it for anybody, and that at the end of a year's time the owners of the paper, where our imaginary editor is experimenting with non-accidents and quantity-survivals, will let him out, and he will wander back to the gold game, there to pick up again the threads of grid and gat and slay and sleuth and crash and foil, a little sadly; and on Mondays be perhaps allowed by a kind chief to run little headlines of his own in quiet, high-numbered pages—the headlines he really loves, true, momentous headlines, headlines like

AVERAGE MAN
STILL ALIVE

THE NEW REPUBLIC

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EDITORS

HERBERT CROLY BRUCE BLIVEN ROBERT LITTELL
ALVIN JOHNSON GEORGE SOULE STARK YOUNG
ROBERT MORSS LOVETT

CONTRIBUTING EDITORS

JANE ADDAMS JOHN DEWEY R. H. TAWNEY
DAVID FRIDAY H. N. BRAILSFORD LEO WOLMAN

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Can France Pay?

THE French approach the problem of their debts to America in one manner and their debts to England in another manner. England has laid down the principle that she wants from the collectivity of continental debtors only sufficient payments to enable her to effect her own payments to the United States. The French, starting from this point, argue that they should only be asked to pay a proper proportion of this reduced sum. England by her repeated declaration has placed herself on bad debating ground. The fallacy of the French thesis can be seen readily enough but it is not easy to express it simply.

The French take the reduction to be absolute when in fact it is only conditional, and then urge that they are only liable, if Russia is excluded (but why exclude Russia?), for half the amount required by England. As some of the continental debts are unquestionably bad debts and cannot be collected, England stands to lose on the transaction. In a given year England pays America £38,000,000. Germany may be presumed to pay England in the same year £22,000,000. The rest of the continent should therefore furnish £16,000,000; and of this France should be responsible for £8,000,000. Even this £8,000,000 should be partly paid by the transference of German payments to France to the account of England. That is an ingenious application of the formulæ found in British notes.

But obviously such contentions do not in any way touch the United States. Other arguments in favor of easy terms are to be discovered, and the chief of them will doubtless be based on the French "capacity of payment." The Dawes Report is actually given an American name. When it was signed by American representatives the United States government put a weapon in the hands of France. America has committed herself to the proposition that Germany should be called upon to pay in accordance with her means. How then, cry the French, can America demand the reimbursement of war debts except in accordance with French means? Capacity of payment is the criterion. Naturally this opens up a large field of speculation and dispute. How is the French capacity to be ascertained? Whose figures are to be accepted? Should there be another Dawes inquiry? France, though she has from time to time hinted at the desirability of a Dawes Report for herself, would of course be reluctant to permit any foreign intervention in her affairs, and already there are protests in the newspapers against existing and prospective American interference with French sovereignty. In adopting the principle of the capacity of payment France does not adopt the principle of an impartial investigation into her finances.

My object in this article is to set out some of the figures of French finances as they have been (I am assured) laid down by official persons for the guidance of the American Debt Funding Commission. They must be understood in the beginning of any negotiations, and although in my opinion it is impossible to put them forward dogmatically they come as near to the truth as we are likely to get and may be taken as the calculations which will do duty in Washington.

But it is fair to insist in the first place that France does recognize her debts and is only desirous of discussing ways and means. If she wants to drive the best bargain possible she has at least abandoned the attitude which caused so much irritation among her best friends. In my view she was clearly in the wrong in attempting to ignore obligations which were described somewhat too significantly as "political debts." The belief that she meant in practice if not in theory to repudiate them was fostered. The doctrine of the "common cause" was pushed too far. Now it is, whatever we may think of the policy of the clean slate, unwise for France to pretend that she owes nothing, because whatever was spent was spent on a war in whose successful prosecution the whole of the allied and associated powers were interested.

People grew indignant both in England and America and exclaimed: "If we had lent you money but had not fought with you, you would as a matter of financial honesty have paid us back. But because we fought with you and for you, in addition to lending you our money, you feel no compulsion to repay us. Because we have done much, you wish to force us to do more." These things were said against France, and France is conscious that they have done her much harm. Any talk of cancellation should not have come from France but from sympathizers with France in the creditor countries. There has been a tendency to confuse graceful concessions, which might be made, with obligatory reductions and exemptions which neither England nor America is prepared to allow under duress. Above all, France made the mistake of commercializing her dead and of placing them in the scale against American dollars. There is a sense in which there was a "common cause," but it is a limited sense. The nations engaged in the War had different objects; some of them were acting in sheer self-defense, while others were bringing their aid largely for broader or more sentimental reasons. France had to deal with an invader; England though also believing herself to be menaced, was not so vitally affected; while America, rightly or wrongly, thought herself to be fighting unselfishly for humanitarian motives. There are degrees in the doctrine of the

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"common cause" as applied to various nations. But the so-called "rights" of France are no longer urged: an equitable settlement is genuinely sought. Until it is reached there can be no stability for the franc. Until it is reached France cannot enjoy full diplomatic freedom.

Certain French experts have asserted that France is able to pay to England and America about 2,000,000,000 francs, which is roughly $100,000,000, a year. If England asks as much for herself alone, France might on this basis have to pay twice as much as she believes possible. In order to estimate the possibilities of a greater fiscal effort, the tax receipts of the French government from 1913 to 1924 should be taken. They show that taxation has gone up from 4,135,000,000 to 25,510,000,000 francs. It should be added that the 1925 budget provides receipts estimated at 33,160,844,678 francs and the 1926 budget will be higher still. Direct taxes totaled 634,000,000 francs before the War, and rose to 5,807,000,000 francs. Registration taxes which may be regarded as a kind of direct tax reached 4,606,000,000 in 1924. A business turnover tax was introduced after the War and produces 4,110,000,000 francs. Customs duties have not increased in accordance with the fall of the franc, going from 756,000,000 to 1,604,000,000. Indirect taxes, properly so called, total 3,965,000,000. The per capita contribution today even when one considers that the franc has only a fourth of its former value has multiplied out of all proportion. The population even with the inclusion of Alsace-Lorraine is practically unchanged; but whereas the average tax payment was 104 francs, it is today 704 francs. Still, it must be remarked that money values are shifting and conditions of production have changed enormously and definite deductions may be misleading. On a gold basis the tax total of 1924 is 188 percent of the tax total of 1913. If the cost of living is taken as a basis the tax total is 159 percent as compared with pre-War days.

It would appear therefore that France is making a bigger budgetary effort than she has been given credit for—especially if one remembers that M. Caillaux has, since these reports were prepared, increased the burden in his determination to obtain a genuinely balanced budget. But what is the private income of the people? There are no satisfactory statistics which show the relation between the national income and taxation. Before the War the annual income was 35,670,000,000 francs. In 1925 a precarious and uncertain calculation was made which assumed that the income from agriculture, industry, and commerce, had increased to the degree to which the franc had fallen—by about 320 percent; that the yield of capital had doubled; that wages had risen by 500 percent for the lower grades and 200 percent for the higher. Thus the total private income is about 350 percent of the pre-War figure, namely 125,500,000,000 francs. This means that while Frenchmen were paying 11.60 percent of their income in taxation in 1913, in 1924 they were paying 20 percent and an even higher percentage today.

I regard calculations concerning the national wealth as completely unreliable. One estimate puts the wealth of France at 1,800,000,000,000 francs, but others put it at half this amount. The truth is that while the currency is in a state of flux no valuation of wealth is possible and even were it possible it would be a poor guide to France's capacity, since much of the national wealth is altogether unconvertible. Nevertheless, though France is paying more to the State, taxation is not evenly distributed, and that more money might well be raised is shown by the much greater prosperity registered, in spite of additional taxation, in many branches of national activity. Agriculture, industry, and commerce have improved, and on the whole the workers have a higher standard of living. Unemployment is practically non-existent; organized immigration for the purpose of procuring man-power is necessary; and for the first time in twenty years there is an excess of exports over imports.

The invisible exports represented by the prodigious spendings of foreign visitors, chiefly from America, North and South, and from England, have enormously increased since the War. Even though no new taxes were imposed a much better yield may properly be expected from the existing taxes as the machinery of collection is improved. This particularly applies to the income tax. France has never taken kindly to the income tax which necessarily introduces what are called inquisitorial methods. The Frenchman loves to conceal his exact means, regarding his resources as purely his private concern. He does not see why he should disclose to the State what he often does not disclose to his wife and children. In money matters he is secretive, and no French government has yet ventured to institute efficient measures of inquiry. The worker with a fixed salary cannot escape. But other people, unless there is official access to their bookkeeping and to their banking transactions, can and do escape.

It is true that large fortunes in the British and American sense scarcely exist, and it is large fortunes which swell income tax-returns. It is urged that there should be a revaluation of real estate—long overdue. Liberal professions should be compelled to show their earnings. Bearer securities still manage to avoid taxation. In addition, the business turnover tax might be modified in such a way as greatly to increase its yield, and the customs tariffs should be readjusted to post-War conditions. There is much controversy as to the profits of the State monopolies and as this is a political subject it is better not to express any positive opinion here, except that there is plenty of room for improvement.

It is noteworthy that while France protests that she could only pay something over 2,000,000,000

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paper francs a year to both America and England, the demands on her amount to about 4,000,000,000 which is the cost of the upkeep of her military forces. From the American viewpoint it is impossible to consider debts without considering military expenditure. It is only fair to notice on the other hand that the military expenditure tends to decrease and represents roughly a tenth part of State expenditure. The service of the public debt, chiefly internal, has been nearly as high as five times the military expenditure.

The system of keeping accounts makes it difficult finally to pronounce, for there are items which do not show in the budget and which nevertheless fall upon the Treasury. When there is a run on the Treasury for reimbursement, as there was this year, the financial position becomes perilous. The Treasury has become a sort of deposit bank, and while bonds are sold as fast as they are repaid there is no danger, but when owing to lack of confidence people decline to renew their bonds or to purchase new bonds a smash is always possible. The long term debt is about half the total interior debt. Short term debts amount to another sixth. The floating debt becomes a terrible problem which M. Caillaux has endeavored to solve by a partial consolidation. At the end of last year the internal debt reached 280,000,000,000 francs. This year the note issue has been increased by 10,000,000,000 francs, bringing the circulation to 51,000,000,000. The advances of the Banque de France to the State will increase by the same amount, bringing the total to 32,000,000,000. The new loan which gathers up the Bons de la Défense Nationale seems to assume that the franc will eventually be pegged at twenty to the dollar—that is to say at a quarter of its pre-War value.

At the present rates of exchange France owes to America and to England well over 120,000,000,000 francs—a fairly equal amount to either country. This is four times as much as is covered by the annual budget. In addition there are what are called the commercial debts, as contrasted with the "political debts," running to another 20,000,000,000 francs. French financiers fear that if too great an effort is required of them by foreign creditors there will be a panic and it will be impossible to prevent the collapse of the franc. This would mean more and more inflation as prices reckoned in francs went up, and once on the slippery slope it would be hard to prevent the franc's following the mark into the abyss.

Obviously it is to the interest of no country to push France too hard provided the creditors are convinced that France is genuinely endeavoring to meet her obligations. It was prophesied that the real difficulty in the case of Germany would arise when it was found necessary to transfer credits to the allied countries. This difficulty, which may lead to the breakdown of the Dawes plan, is almost upon us. Now the same considerations apply to the French debt. Payment in the shape of dollars or pounds implies such purchases of foreign money that the French franc will become valueless; and in the long run payments will be effected only in goods—the excess of exports over imports. The dilemma which presents itself is: How is it possible to reconcile the acceptance of French goods with the raising of tariff walls in America? England, though not protectionist in the same sense, is alarmed at commercial competition and the continued existence of unemployment and cannot favor and facilitate the transference either of German or of French wealth. For the moment it may be possible to ignore this aspect of the question, but sooner or later it will be evident to all beholders.

Such, impartially stated on the authority of official figures, is the French financial situation. The necessary deductions may easily be drawn.

SISLEY HUDDLESTON.

Paris.

Why the Miners Strike

THE suspension of work in the anthracite industry again forces consumers to consider the fuel question. Many may querulously ask, "Well, what do they want now?" Many may refuse in disgust to bother their heads about the matter. Others will be fearful about obtaining their regular supply of coal but they will trust the government to see that it is forthcoming. Few will seek to familiarize themselves with the conditions which make strikes recurring phenomena. Perhaps fewer still will help to formulate intelligent public opinion for support of a policy of bettering conditions and for establishing industrial peace.

The miners refuse to work unless they can obtain an acceptable contract. In that respect they take the same position as any individual who seeks to obtain the best wages and working conditions possible. The president of the miners opened the negotiations in joint conference by presenting the demands of the men. He insisted that they were

> more than requests and something less than demands. They originate in the minds of the men who work in your industry; they come to their conventions and they tell the officers of the organization of their desires, of their hopes, of their suggestions and their demands for improvements in their working conditions. . . . Contrary to what may at some times have been said, the officers of the organization do not do the thinking for the men who work in the mines. The man who works underground in one of your anthracite collieries day by day, year by year, does not need anyone to tell him of the improvements that he would like to see in his occupation or employment. He learns those things from bitter experience, than which there is no greater teacher.

The demands of the miners may be grouped under four heads: (1) an increase in wages, (2) bet-

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ter opportunities to work, (3) full recognition of the union, and (4) better living conditions. Nothing startling is revealed by this classification, but the underlying details reveal causes of opposition between the operators and the miners which largely explain the failure to make an agreement. It is essential that these underlying details should be understood by the consuming public.

The first item affecting wages is a demand of 10 percent for piece workers and $1.00 per day for those employed by the day. How much this demand would actually increase the labor cost per ton of coal can only be a guess. The operators are the only ones who could furnish the data. But the data are not assembled for the industry as a whole, and at best a conclusion could only be an approximation, because nobody knows how many days per year the mines will work in the future nor just how many tons will be produced. In any event the operators have little to worry about, because they have been very successful in the past in capitalizing wage increases; that is, prices were increased disproportionately to the increase in wages. The concentrated control of production of anthracite and the superiority of anthracite as a domestic fuel largely free the operators from the effects of uncertainty because of competition among themselves or because of the competition from bituminous coal.

The most recent authoritative figures on wages in the coal industry were collected by the United States Coal Commission for the year 1921. According to these figures for the anthracite industry 20 percent of the contract miners (piece workers) who drew wages in the same mine on every pay roll throughout the year, earned more than $2400 and 10 percent more than $2700. But 20 percent earned less than $1700 and 10 percent less than $1500. The average expressed as the earnings of the "median full-year contract miner" was $2000. These were the earnings of the highest paid occupational group and they do not include those who obtained part time work by shifting from mine to mine. The average number of days on which the mines hoisted coal was 271.

Contract miners' laborers, inside day men and outside day men are also classed as major occupational groups. Among these groups those who drew wages in the same mine on every pay roll throughout the year, over 63 percent of the first group, over 52 percent of the second group, and over 53 percent of the third group earned less than $1500. Of these groups, those earning more than $2700 were mere fractions of 1 percent. The median earnings for these groups were $500 or $600 lower than for contract miners.

In order to approximate more closely what the anthracite workers are now earning it is necessary to add the 10 percent increase received in their last contract of 1923. But it must be kept in mind that these figures of earnings are not actual rates and that they will vary according to the number of days worked, according to the differences in wage rates paid for each occupation, and according to the differences in working conditions in each mine and each district. Furthermore they do not represent the wage situation as affected by part-time work because of labor turnover. The above figures simply apply to two-thirds of all contract miners and inside day men, to three-fourths of all outside day men, and to one-third of the miners' laborers. Therefore the use of these figures to characterize anthracite wages presents the most favorable aspect of the wage situation.

In the mind of the miners this constant conflict over wages is caused by the claims of the investors accelerating at an intolerable rate as against the claims of the employes and the public. These investors' claims take the form of charges for depletion, interest, royalties and profits. To the Coal Commission, to which was delegated the task of investigating the causes of strikes, the miners pointed out that they had been taught by

> bitter experience that the main cause is the ever-accelerating claim of the holders of anthracite securities. For every increase in national demand for coal, for every increase in technology and productivity the investor demands the full increment, keeping prices at the maximum which the traffic will bear, and wages at the minimum upon which the miners can be made to exist. There is no solution for the economic problem of anthracite until this intolerable grip is relaxed; until the public service function of the industry is frankly recognized; and until the claims of investors are confined to reasonable limits, the standard of living of the miners permitted to grow with the productive expansion of the industry, and the price to the consumer adjusted to these two factors.

Whether or not one agrees with the miners, this is a statement in no uncertain terms of an issue which affects the long time adjustment of wages.

But aside from the question as to whether or not the miners should receive the increase which they have demanded, there are many other factors which affect their earnings. These they have included in their demands in a form which has meaning mostly for the operators and for those who happen to be familiar with mining conditions.

They demand uniformity in day rates and the carrying out of the task of equalization of rates which was delegated to the Anthracite Board of Conciliation by the last contract. This diversity of rates is an inheritance from the days of individual bargaining which was crystallized into the form of a precedent by the award of the Anthracite Coal Commission in 1903. The miners claim that "the engagements of all (members of the board) have been such that no substantial progress has been made in that direction." The demand involves more equal pay for equal work.

They demand that when piece workers are put in abnormal working places in which it is impossible

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to make the usual wage, the miner shall be paid the average of his customary earnings. This shifts the cost of producing coal in abnormal places to the operator to whom it belongs. The payment of a uniform rate per ton to the piece worker, regardless of adverse mining conditions, puts the burden on the miner.

The miners request that they be paid 20 cents per inch for the removal of refuse 10 feet in width and 30 cents per inch for blasting top and bottom rock. The issue here again is whether the miner can make his usual wage at the rates agreed upon.

The law of Pennsylvania provides that the contract miners shall be paid according to the weight of the coal which they send out rather than according to a rate per car which may vary in capacity. But it also permits the operators and miners to agree to some other form of payment than according to weight. This is the joker in the law which has always left the advantage with the operators. If the operators insisted on payment by the car as a condition of giving employment, the acceptance of that mode of payment as a condition of obtaining employment constituted an agreement. Payment by the car permits the operators to increase the capacity of the car and to compel the miners to do more work for the same rate. For these reasons the miners demand that the wage rate per ton shall be based on 2240 pounds to the ton.

The miners also insist on the abolition of unreasonable penalties and dockage for impurities which may have been loaded with the coal. They demand that the penalties and the amounts docked shall be a matter of agreement between the local mine committee and the management.

The practice in most modern industries is to furnish the workers with supplies, equipment and tools which are needed to perform their tasks. The list of these things which the miners demand they shall be paid for indicates that the anthracite industry is far behind other industries.

When the miners are asked to work overtime they demand time and one-half, and double time for Sundays and holidays. A desire to furnish the operators with an economic incentive to reduce overtime and to obtain more time for leisure and home life lies behind this demand.

The miners claim that in the last two years 1,000 men have been killed and 40,000 have been injured in the anthracite collieries. Therefore on the grounds of hazard they demand an increase in wages which will enable them to leave their dependents better protected.

Closely related to the rates received per ton or per day is the opportunity to work and to earn. When contract miners, through no fault of their own, are not permitted to work in their regular working places, they demand that they be given work by the day. When the mine works they expect the management to readjust its working force.

When men are laid off, those longest on the working force expect to retain their jobs and when re-hiring begins, the oldest in the point of service expect to be called upon first. This is the gist of the demand for seniority rights.

If a company has several collieries, the men expect that an equal division of work should be made between collieries instead of closing down some and keeping others on full time. They believe this should be done regardless of the increase in the cost of production from part time operation.

Finally they demand a five-day work week on the theory that enough coal can be produced in that time and that it will be conducive to greater regularity of production. This might be true for the mines which have worked a fewer number of days than the average. But if all the mines produced for five days a week for fifty-two weeks, or two hundred and sixty days per year, it would be less than the average number of days that the mines have worked since 1916. However, the miners' proposition does not cut off the possibility of operating more mines to meet the demand and of inaugurating at the same time greater regularity of production throughout the industry. The adjustment of such an important demand and the one for an equal division of work between collieries are illustrations of the need for more thorough-going coöperation between the operators and the miners in order to arrive at a more reasonable solution than would result from the arbitrary action of either party.

Whenever an agreement is not reached before the expiration of an existing contract, the operators want the miners to continue to work and to submit their demands to arbitration. The experience of the past has undermined the confidence of the miners in regard to the impartiality of "disinterested public representatives" and they believe that an agreement in advance to arbitrate cuts off the possibility of reasonable adjustment in joint conference. Furthermore, their president said,

> when the man who toils in your collieries agrees to let some tribunal or third agency say what his conditions of employment shall be, what hours of labor he must work, and what compensation must be given, then he gives to that agency or that tribunal or that arbitration commission, the power to determine the character of the house in which he shall live, the kind of food he shall eat, the degree of education his children shall receive, and to determine his standard and his status as a citizen. . . . I do not know anyone except the man who works with his hands who is asked to arbitrate those fundamentals.

Neither the professions nor "the trades or industry on the side of capital . . . yield to some creative agency the right to determine for them what their (service or) products may be worth in the market of the world."

The miners ask for "full recognition" of their union. This request has a history behind it and

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carries implications which are difficult to treat in brief compass. The refusal of the operators to recognize the union and to deal with its representatives was one of the chief causes of the strike in 1902. The award of the Anthracite Commission in 1903 left the operators free to maintain their stand. They claimed that the United Mine Workers was a "foreign" organization because it was dominated by the bituminous miners. The operators were successful in maintaining the fiction of dealing only with the representatives of their employes until 1920 when the Anthracite Commission of that year compelled frank recognition of the union.

But the "check-off" or deduction of union dues from the miner's pay envelope, which the United Mine Workers practice in the bituminous industry, was not granted. Nor have the miners succeeded in getting the anthracite operators to agree to the check-off even though each individual miner authorized such deduction in accordance with state law.

The miners claim that to grant their request would not be any great expense to the operators. They list twenty-nine items which the operators deduct from the miner's pay. These items range from supplies and equipment which the miner uses in connection with his work to subscriptions for Liberty bonds, Red Cross, and various charitable and community projects.

The miners point to the fact that their members are no different from business and professional men who belong to first-class clubs and who neglect to pay their dues. But the organization is subjected to considerable administrative expense in collecting dues and the operators have complained much in the past because of "button" and "card day" strikes which have been inaugurated by union men to compel disloyal or negligent unionists to pay their dues. Therefore, the miners appeal to the operators to grant their request on the grounds of encouraging greater administrative efficiency of the union, the need for which the operators have stressed much in the past.

To disabuse the minds of the operators of any fear that they will be increasing the power of the union or of any dislike of building up what they conceive to be a more effective opposition, the miners call the attention of the operators to the fact that they have already acquired sufficient membership, without the aid of the check-off, to control the labor situation in the industry. Thus the miners would leave the operators to infer that the agreement to the check-off would be a mere minor concession which the operators can easily grant in spite of their fears and prejudices of the past.

Finally, the miners request that the operators give more attention to repairs, rebuilding and the erection of houses in the anthracite mining towns.

The August expiration of the contract has given the miners a strategic advantage which they did not possess when their contracts expired on March 31. The demand for coal will soon become pressing because the strength of the union is such that the termination of the contract means a stop to the mining of anthracite. The miners, as we have seen, would not consent to arbitration. The bituminous operators welcome an opportunity to supply their coal as a substitute for anthracite. These conditions indicate that it would be the better part of valor for the anthracite operators to try to settle the demands of the miners on as reasonable basis as possible. It would also seem that it would be the part of wisdom to accept the union as a condition precedent in the industry and to follow the suggestions of the United States Coal Commission in seeking to call out greater coöperation on the part of the union. Several railroads are demonstrating that unions will enter into coöperative plans for the improvement of production and stabilizing employment. Similar possibilities would seem to exist in the coal industry. The president of the union has recently committed the union by saying that "once the operating side of the industry casts aside the shop-worn cant as to the responsibility of the union for all the maladjustments of the business, and that every inefficiency traces back to the miners or to their working and wage contracts, they [the operators] will be surprised to find what a degree of coöperation will be theirs for the asking."

ARTHUR E. SUFFERN.

Reformers and Crime

THE perennial crime crusade has lately taken the public stage again. Recent sensational hold-ups in our large cities, republication of the often-quoted figures showing our homicide rate to be far greater than that in Europe, articles in popular magazines, the elaborate launching on the high seas of publicity of a National Crime Commission—all these are clearly the precursors of a general crusade for the altogether right and proper purpose of bringing about "a return to law and order."

If this crusade follows the history of similar episodes in the past, it is doubtful whether lasting good will be accomplished. Crusades, however worthy their motives, are stigmatized by too much emotionalism, not to say hysteria, and too little continuous, consistent plugging away at a well-planned, scientifically-grounded modus operandi. A flare of enthusiasm, the roll of drums and the blare of trumpets—and public attention is caught by something else.

It cannot be too often repeated that there is no one nostrum, nor can there be one, for the social disease of crime. The modern over-emphasis on rehabilitation of the criminal, so often excoriated, is not solely responsible for the increase in crime; nor would over-emphasizing punishment qua punishment radically diminish it. Anyone who has studied the history of society's methods of dealing with crime

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will admit that; anyone who has studied the psychology of individual delinquents and the social causes of misbehavior in the individual case will verify it.

When England punished its crime too severely, juries refused to convict and lawyers and judges used their legal acumen to spin the most delicate technicalities to avoid the consequences. Nor do we dig to the root of the problem when we attribute all criminality to a wicked and depraved heart. Such are the diagnoses of those who wish to take the easiest way—the way of rationalization of their emotions. There are, to be sure, modern criminals, especially organized criminal groups in metropolitan centres, who are in criminal occupations as a business, who doubtless know exactly what they are about, who "play the system" of modern criminal procedure, and to whom may be ascribed an "evil mind." But even in the case of these there is much more to it than such a simple judgment would imply.

If there is no one nostrum and no one cause of crime, no one group of specialists can effectively cope with it. We need more than the points of view of lawyers or business men. Lawyers have grappled with this problem for a good many years, and they themselves must admit that their methods have not been entirely crowned with success. Nor is it a problem for business men, although their efficiency and enthusiasm are invaluable in any concerted program.

The American Law Institute, which is "restating" various branches of law, has in contemplation the restatement, in part at least, of the criminal law, through a Model Code of Criminal Procedure. If restatement means reform, even in part, it requires more than one group of experts and more than one technique or point of view. Such fields of law as contracts, for example, lend themselves to a process of systematization and restatement by authoritative legal scholars. It is the chief characteristic of criminal law, however, that it deals with living human beings in a bustling social and psychological environment. Much more is here needed than the mere simplification of the code or procedural superstructure; there is need for a reëxamination of the entire foundation of the structure of criminal justice. What is more important, this reëxamination must be made not only by lawyers but by social philosophers, sociologists, psychiatrists, psychologists, heads of police departments, heads of penal and correctional institutions, and others. The mere writing of the legal rules governing society's official handling of anti-social conduct is but one piece, perhaps the least important piece, of a vast task.

A committee to examine the crime problem from the ground up might include such social philosophers as Miss Jane Addams, such legal scholars as Dean Roscoe Pound, judges who have had considerable experience, with talent for reflecting on experience, like Judge C. M. Hough and Judge Learned Hand, such psychiatrists as Dr. Albert M. Barrett and Dr. William A. White, such practical psychologists as Dr. William Healy, such prosecutors as Emory R. Buckner, such penologists as Warden Lawes, and police administrators of the type of August Vollmer or Arthur Woods. Such a committee should take advantage of the best study yet made in the United States, that of the Cleveland Survey of Criminal Justice. It should certainly also adopt the attitude, and follow the procedure of the Royal Commission for the Reform of the Penal Statutes appointed in Italy in 1919. It is one of the heaviest counts against the Fascist régime that it halted the work of the latter admirable committee, headed by Prof. Enrico Ferri.

The committee at the outset had decided that two courses were open to it: Either its work might consist

> in the simple revision and technical correction of the statutes now in force, in accordance with the results and the perplexities arising from their doctrinal interpretation and practical working, or else in the propounding of a new and autonomous system of legislative norms in accord with the advance of scientific doctrines and, above all, in accord with the social necessities evidenced by experience of the working of the statutes which have now been in force for thirty years.

It chose unanimously to do the latter, to carry out a

> work, not of fragmentary revision, but of systematic reform, that would at the same time preserve those provisions of the present statutes which do not contradict the guiding criteria of the reform and which have been found in practice suitable and efficacious.

This, I hardly need say, is the only worth while way of going at this problem. The superstructure of criminal justice has been tinkered with so long that its architecture is decidedly full of holes, overlappings and glaring anachronisms. It is time that attention were shifted to an examination of its foundations.

Consider, for example, the conflicting philosophies of crime and punishment that lie at the basis of our modern penal codes. One has only to turn the pages of a code to see the pre-Classical, Classical, neo-Classical, Positivistic and other philosophies side by side.

If the juvenile court age can be raised so high as to embrace "juveniles" of twenty-one, why not carry over our juvenile court equitable procedure into adult courts, as a number of prominent criminologists logically ask? Again, if one statute is founded upon the punishment-attitude of the classical schools, why does the next inconsistently insist upon the probation, rehabilitative and reformatory measures, psychiatric examination, and parole provisions of the positivistic and neo-positivistic schools? If crimes, objective acts, are the units contemplated by our penal codes, why all the provisions for attention to the make-up of individual criminals?

Such a committee as proposed might well be

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guided by the criteria accepted by the Italian Commission as fundamental. These may be summarized briefly:

First, a distinction is drawn between so-called "delicts" (felonies and misdemeanors) and "contraventions" (petty statutory offenses). This is justified on the ground that

> if the principle of *social defense* is common to all the repressive rules, the principle of *dangerousness of the offenders,* on the contrary, finds much less frequent application and is not, either socially or juridically, necessary for those answerable for contraventions.

This is the type of practical, fundamental distinction that one rarely finds in American statutes or legislative programs. Yet common sense dictates it.

Second comes the principle of guiding and adapting the "provisions of the law towards the offender rather than towards the offense." This proposition is one upon which enlightened sociologists, psychiatrists, psychologists and jurists have long insisted. Our statutes are of course drawn with reference to the average offender, or at most, with reference to classes, not of offenders, but of offenses. To be sure, some room for individual treatment is allowed within the limits of the so-called indeterminate sentence; but even here probation, parole or actual length of time served, depend too much upon the guess-work of busy judges and other officials and too little upon individual examinations of the offender, his background, and his potentialities for good or evil. Those who object to the commission's point of view, especially lawyers, should not forget that, as the Commission points out,

> even when the penal law for delicts will be inspired by the two fundamental principles of social defense and the dangerousness of the offender, the judicial problem will in great part remain unaltered in its practical daily application.

In consequence of the second criterion, the legal provisions for social defense must be adapted rather to the dangerousness of the offender as an individual than to the actual seriousness of the offense itself. Our emotional responses of fear, anger, and disgust are spontaneous reactions to certain criminal acts that we abhor; the emotional responses are then carried over to the actor without our knowing anything about him. As the Commission says,

> the fundamental criterion for a reform of the laws on social defense against criminality, must be that the repressive measures should be more severe, i. e., more efficacious, for habitual offenders and those more dangerous through congenital or acquired tendency, and less rigorous, i. e., more adapted, for the great majority of occasional offenders and those less dangerous.

Among the other criteria of the Commission is the principle that a legal sanction (punishment, rehabilitation, etc.) must not even pretend to constitute "a chastisement proportionate to a moral fault," which no human being can evaluate, but must rather be founded upon its social utility, which in turn is determined by its results. It follows that the traditional fixed-period penalties of the so-called indeterminate sentences which, in practice, frequently amount to fixed minimum sentences, must give way to genuinely indeterminate segregation and to discharge only upon the basis of careful study of the individual case. The number and variety of sanctions available to the legal order must also be increased on the basis of the findings of social, psychiatric, and psychological science.

This brief recital of some of the criteria which inspired the Italian Commission is sufficient, I hope, to point out the urgent necessity that any committee that intends to cope seriously with the complex problem of crime must first obtain some such basic orientation in principle as Professor Ferri and his associate found necessary. Half-way measures will get half-way, transient, or unanticipated results; besides, they have the fault of diverting popular attention to secondary instead of fundamental considerations, and of raising expectations incapable of fulfillment.

Here are some of the problems that a committee such as is suggested might have on its agenda:

1. The organization of a wide-spread study of the causes of crime and the effectiveness of the various measures now in operation to cope with it. Careful investigation is certainly required of the practical functioning of our police, court, probation, parole, and peno-correctional machinery.
2. The establishment of fundamental criteria, such as have here been discussed.
3. The drafting of a penal code that flows naturally and consistently from such criteria.
4. The drafting of plans for the necessary legal, social, and psychiatric machinery to make the code effective.
5. The immediate and pressing problem of better policing.
6. The problem of drastic control of the traffic in firearms.
7. The problem of coördinated, universal fingerprinting and of other records and statistics.
8. Consideration of the advisability of the establishment of ministries of justice in the different states. Judge Benjamin Cardozo and other jurists have suggested the great promise of ministries of justice, at least in the larger states, among whose functions it would be to act as a liaison agency between legislatures and courts, study the effectiveness of the law in action, suggest needed changes based on experience, and bring business methods into the courts by prevention of overlapping of jurisdiction, unnecessary duplication of duties, etc.
9. Consideration of the advisability of the establishment of informed and responsible private agencies to coöperate with public agencies and officials in the enforcement of law and in continuous study of the results of the law in action.

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10. Study of certain "sumptuary legislation" in its effect upon the public's attitude toward all law enforcement.

11. The mustering of churches, schools, homes, social agencies and clinics, industries and the press in a concerted, well-planned, consistent and continuous program of the prevention of delinquency. There is no doubt but that much of the present difficulty is due to the weakening of forms of social control other than the law, and the gradual dependence of social institutions upon the law for that discipline which should come from the home, the school, and the church.

Certain items in the above program can be attacked without waiting for the work on the others to get under way; but the work in each will be effective only when the problem as a whole has been analyzed, the entire program laid out and coördinated.

The job which is barely outlined above is colossal; but if we are ever to dig beneath the surface of the problem of crime the work before us is colossal. The sooner we turn to fundamentals the earlier will the rising tide of crime be diked and its destructive energies turned into constructive, socially-acceptable channels. S. SHELDON GLUECK.

Along Male Lines

Outside Looking In, by Maxwell Anderson. Greenwich Village Theatre. August 7, 1925.

IT is easy to see why you can enjoy Outside Looking In. The dramatic figures of it are more or less picturesque; the situation is distinct and pleasantly uncrowded with incident and complication; the periods of suspense that are scattered through it are raw and breathless without being too obviously made by the tried and trusty recipes of the theatre. And the writing of this new piece by one of the authors of What Price Glory has now and again, though not so consistently as in the war play, the same rhythm of the ear that helped to perfect that play, the same flight and pulse and flutter of speech that is alive. This drama of tramps is streaked here and there with tediousness but remains at the same time congenitally entertaining, born so.

The tedious intervals at the Greenwich Village arise partly from the performance given to the piece, but from other sources as well. There is a slight hovering tinge of unreality threatening the whole play; and this comes down closer at times, when we cannot believe the scene at all, it is neither realism nor fantasy, it neither bites nor flies, photographs nor dreams. To some extent no doubt this effect derives from the subject matter itself. A girl whose mother is dead and who has been seduced by her stepfather, ran away, lived in a dive and then returned and shot her seducer, is running away now with a tramp lover, headed for Canada; and all the events and scenes, by the railroad, in the box-car and the shack, are filled with tramps, who are finally the means of getting the pair of lovers safely through, though to do it costs the gang of them thirty days in jail. But tramps and hoboes are cloud quantities to most of us, and it is hard to believe that what is usually written about them is not whooped up for our consumption. Certainly the sentence quoted in the program, from Mr. Tully, on whose Beggars of Life the play is based, is false enough in tone; its inner meaning may be true, but the saying of it is magazine mush—"always he hears voices calling in the night from far-away places where blue waters lap strange shores. He hears birds chirping and crickets singing a luring roundelay," et cetera. It is easy to see how hard it might be for a dramatist to get a steady and convincing effect out of such material as this of tramps and vagrancy.

Watching Outside Looking In you may reflect upon another point in such a drama of American material. There is a curious pressure bearing on its composition. The formalism of American wit, or what we seem to have agreed to be American wit, is in control. A tradition like that of Louis XIV, for example, would seem intolerable to us. The forms and conventions of the Restoration drama would seem unbelievably cramping. We will never be slaves, we are free writers in the land of freedom. As a matter of fact much of this play is bound tight within a convention. You have only to watch the types and reactions to see that, and to listen. These tramps match one another with fantastic comparisons in the American mode, sometimes witty, sometimes forced, but evidently necessary. They talk in the most elaborate roughness and persistent exaggeration, making familiar magazine portraits of themselves as they go. Their dramatic creator is a long way from free.

But this tight tradition of speeches and jokes and wit might be helped somewhat by the performance if that could manage to stamp on the scenes more definitely their drift. The performance could help by settling on either realism or playboy, whichever it is to be, and by showing us more often what track in the dramatist's mind we are to follow, what the key of the scene is.

To come down too heavily on the production of Outside Looking In, however, would not be fair. In most theatres this sort of American realism would be treated hit and miss, trusting to types and resemblances. Mr. Augustin Duncan in his directing has tried honestly to make up scenes from among his players. But he could not hope in the four weeks of the rehearsal period to get the rapport and ensemble needed for such dramatic writing or to make actors out of most of our theatre people. If the play is to be as leisurely written as this play is, as much dependent on character and speeches and the numberless facets of our human comedy, it needs great particularization in the detail of the scenes and personages. It needs the intense absorption of every player with his character and mood. And it very much needs a subtle timing that would show when the life of the scene is stiffening with action or quickening toward the next event, and when we have the more subtle tempo of feeling and talk. Which amounts to saying that the Moscow Art Theatre would take two years working out the values of such a play, and that we can hardly ask its producers for a Moscow Art Theatre.

As a matter of fact when we come to the tramps, bums and rough characters, as they occur in our theatre generally, we run upon a tremendous problem for the artist. These characters are neither real nor yet unreal, but the crude surface of them seems to imply realism, and through this fact they are elusive and hard to translate into the required artistic medium. It would take a long time and very serious experiment to discover the method that would turn this material into the actor's art. What we usually get is what most of the playing is for Outside Looking In; in nearly every case the result is casual, imitative or pretty much the actor's own self, without the necessary projection and without technical security or delight. In sum it is not acting at all.

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From the company of Outside Looking In the performance, or rather the pantomime—he is less successful when he speaks—of Mr. David Leonard's Arkansas Snake is good, definitely sinister and hidden away. Mr. Sydney Machet with his hobo troubadour, Ukie, shows a real stage sense and magnetism. Mr. Harry Blakemore's darkey hobo hastening North has some good moments and a bad make-up. Mr. Charles Bickford illustrates brilliantly the profits of the training in stock and vaudeville that the other players need. Oklahoma Red, a sort of playboy of a cynical, wild hobo world, a knock-'em-out, philosophic child of the road, written very well indeed by the author, loses nothing at Mr. Bickford's hands. He is a good actor, with a good sense of time and a self-assurance that contributes greatly to his present rôle. He takes his points unfailingly well and keeps himself well in scale with every scene.

Finally in this play of Mr. Maxwell Anderson's, unequal as it is, there is always a happy and male gusto. There is a bracing lack, too, when we come to the love theme, of the usual feminine psychology that haunts almost all modern dramas. And the figure of the play, taken as a whole, carries an odd hump of virile poetry. STARK YOUNG.

"The Greater Movie Season"

THE pretentious German film of Siegfried, which makes a long evening's performance at the Century, seems hardly to realize its possibilities. Some of the photographic effects—such as the gathering for the hunt, with its clearly outlined shapes of dogs and horses composing against a gray tapestry of tree-trunks—are quite remarkable; but, on the whole, Siegfried is dull. The producers seem to have been mistaken in going in for straight drama rather than for romance and magic. They have evidently aimed at an archaic starkness but the effect of this is to make the characters too wooden to remain interesting at the close range and over the long stretches of dialogue which the scenario includes. They have succeeded in getting away from the sentimentalities of conventional moving-picture romance but they have not been able, at the same time, to preserve the glamor of folk-lore. In the long run, the characters cease to impress us as primitive heroic figures and become unamiable inflexible modern Germans photographed in a prosaic light—as the walls of the castles have a way of suggesting plaster instead of stone. This prosaic quality extends even to the marvels: some of them—such as Alberich's mist-kingdom—are excellent, but the dragon, for example, with its lifeless eyes and its aspect of a papier-mâché monument, is less convincing, on the whole, than our decrepit old monster at the Metropolitan.

The American moving-pictures this fall have, however, been unexpectedly interesting. Two of the best of them are, it is true, the work of German directors—Ernst Lubitsch and Eric von Stroheim. These two men, who came to America, no doubt, in the belief that the great future of the moving-pictures lay here, seem only recently to have got even a measure of the free hand to which they are artistically entitled. Even their new films are, in their basic scenarios, cheap and unimportant enough—Lubitsch's is a conventional French farce, von Stroheim's the old Merry Widow; but, by brilliant mastery of moving-picture technique and authentic sense of human character, they have turned out two remarkably distinguished films. The Merry Widow, especially, is, in some ways, the best American film that the present writer has ever seen: there are parts of the old comic opera which are so silly that not even Stroheim's ingenuity can do very much with them; but the best of it resembles The Last Laugh in giving a new idea of the peculiar sort of dramatic excitement which the moving-pictures can produce—the excitement of rapid, extremely varied, self-explanatory flashes of action. In watching such films, one realizes how crude and unimaginative have been most of the new effects which the movies have hitherto been able to invent: how many films have been content to consist of pictures of people merely enacting scenes on a stage: varied only with such obvious photographic devices as close-ups and isolated details! Whereas the dramatic opening of The Last Laugh depended on a new use of the camera (in this case, I believe, a gyroscopic camera, not yet introduced in America) which produced effects impossible to any other medium: the hotel lobby was presented swimming up from the point of view of a person descending into it by an unenclosed European elevator, so that the revolving doors, with people hurrying through them, were the last thing to swing into sight and we had been swept across the lobby and out of the door before we were presented with the towering figure of the old porter dominating the taxi-cab arrivals in the rain. And in The Merry Widow Stroheim has invented similar effects possible only to a moving-picture camera—in his presentation, for example, of the Crown Prince as a stationary, sharply outlined head against the gleaming blur of the departing limousine from which he has just alighted, or again in the scene where he talks to the girl, flashing upon her a blinding eye from time to time, as his monocle catches the light. Almost the whole Merry Widow, in fact—as does the less ambitious Kiss Me Again—moves with a wit, an intelligence and an imagination for photographic beauty hitherto almost unknown on our screen.

But even outside the work of these two distinguished foreign directors, one notes signs of a new sophistication on the part of some of our native ones—in certain of the films, for example, of Tod Browning and Allan Dwan. One suspects that, bored by the everlasting manufacture of stupid routine films, they have at last been unable to resist the temptation to smuggle into some of the most unpromising of their trade-goods a little workmanship, a little characterization and a few sequences independent of captions. One of Mr. Browning's most recent films, The Unholy Three, is plainly an attempt to do a macabre fantasy in the vein of the German Caligari: and, as Caligari, for all its excellences, was never popular in America, and as Mr. Browning has refrained from adulterating his grotesque and ironic story with any of the conventional romantic values without which popular films are supposed to be impossible in America, this must be counted to him for righteousness. The Unholy Three has not the scenic and photographic interest of Dr. Caligari and it rather misses its climax toward the end but, with its parrots that cannot talk, its misanthropic midget, its infernal scene around the Christmas tree where the tranquil benevolence of a family circle serves as a mask for the murderers, it is quite comparable in imagination to the German nightmare. What I admire especially is the way in which the director has understood that occurrences so absurd and incredible can only be accepted seriously when they have been taken out of the actual world: Mr. Browning does not, like the director of Caligari, have the resource of a madman's imagination to which to attribute his impossible story, but he is careful to close it in from any suggestion of a recognizable society or environment: we believe in the fantastic behavior of his characters because the world of natural behavior is excluded.

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The Unholy Three is admirably acted by Miss Mae Busch and Mr. Lon Chaney. The latter is a moving-picture actor of a unique and singular reputation. Ever since his appearance in the title rôle of The Hunchback of Notre Dame, he has been celebrated preëminently for the invention of surprising and sinister make-ups. Indeed, he has passed, by reason of this gift, into a legend and become the hero of such current popular jokes as, "Hey! don't eat that lobster! (or don't kill that tarantula) Lon Chaney may be inside!" Mr. Chaney's most spectacular appearance this fall has been in The Phantom of the Opera, a long, ingenious and entertaining detective story which does not, however, offer the smallest opportunity for acting and which, besides, imposes on him a make-up so deforming and complicated as to incapacitate him for facial pantomime even if it were expected of him. But his real success has been the rôle of the ventriloquist in The Unholy Three, not only in his disguise of the gentle and respectable old lady, in which he manages to be five times as effectively frightful as in the Maskelyne's Temple bugaboo rôle of The Phantom, but also in the straight passages, where he performs some of the best close-up pantomime the present writer has ever seen. Chaney, in fact, may have it in him to become a sort of Mansfield of the moving-pictures, and nothing could be more significant of the way in which American producers of "feature films" go about their business than the fact that Carl Laemmle, in The Phantom of the Opera, after two years of elaborate preparation involving what must have been enormous expenses, has presented his most glaringly advertised favorite in a rôle which gives him no chance to distinguish himself.

EDMUND WILSON.

Henry Ford's English

MR. ARTHUR BRISBANE is a great admirer of Henry Ford, and what Ford says and especially *what Ford does* (the italics are purely imitative) in respect to motor cars, commercial aviation, nitrate plants, and railway wages, Mr. Brisbane reports with vigorous admiration. I do not blame him at all; but I wonder why I have seen nothing about Mr. Ford's most significant statement since "out of the trenches by Christmas"—a statement far more important than "history is bunk," because it makes history. In an interview with Mr. Wilbur Forrest of the New York Herald-Tribune, Mr. Ford nailed articles on the door of every academy of culture in the United States. He declared war:

> If Henry Ford were to control American schools and colleges as he controls his own industry the teaching of foreign languages would be completely eliminated. Mr. Ford believes there is only one language in which world progress may become universal, and it is destined to inherit the earth. That is the English language. . . .
>
> The polyglot League of Nations, the motor manufacturer believes, can never accomplish much because difference in language promotes a difference in thought, ambition and method.
>
> The difference in language, Mr. Ford said, hinders science and invention and commerce just as it hinders world peace and understanding.
>
> When industry is run in the English tongue, he added, it is a different kind of industry, with another spirit, than that operated in other languages. The type of industry which leads the world in ideas and achievement and gives the world what it needs is the industry which has become possible through the clear and forceful language which is used by the major part of the industrial world. . . .
>
> Other nations are forced to adopt it for the very sake of its usefulness, because the world becomes increasingly full of things which must be done in English, if at all. . . .

About a broad statement of this sort there are many things to be said; there are even many voices speaking in the brief words quoted. Some of them are in the accent of M. Jourdain before he became aware of "les belles choses qu'on dit des belles choses" and found he was speaking French prose; but: "A good and experienced engineer can tell what language a machine has been built in just by looking at it. There are some languages in which a machine cannot be built at all. There are languages in which it would be impossible efficiently to manage a factory"—that is the tone of the expert, of the man almost a scientist, for whom knack has been sublimated into mastery; and "English is going to serve as a great power to restore the balance of the world, placing all nations in more equal relations with one another" is the voice of the crusader of 1915.

There are other lapses. In Mr. Ford's special field he should remember that Papa Daimler did his work not in English; in the general field of industry based on science he must be aware of Marconi working out wireless in Italian, of the Curies studying radium in French, of anilines yielding their secrets in German, of biochemistry submitting to outlandish Russian.

At first sight Mr. Ford has only offered a new subject for satire. The English of which he speaks is not Marlowe's noble line, and "Is this the face . . ." easily turns into "Is this the Ford that launched, etc. . . ." "Thou anointest my head with oil" is no more the language of the factory than "Du bist wie eine Blume" and both must be displaced by "Put some Stayslick on my dome" and "a skin you love to touch." You cannot build safes that outlast time, and insurance companies comparable to Gibraltar if you are thinking of life in the language of Prospero as a baseless fabric, an insubstantial pageant—faded.

But, relieved of any prejudice in favor of these poetic fancies, we are brought up sharp, confronted by the actuality of Ford's analysis. What he says is true. You cannot lay a transcontinental railroad in the language of meditation and courtesy which is Chinese; the dynamo does not speak the tongue of the Zend-Avesta or of the Ten Commandments (the original ones; it does speak the tongue of the more celebrated film version); there is no productive efficiency even in the wasteless precision of Bach's musical speech; the language in which the Winged Victory and the Sacre du Printemps and Le Penseur were created (Mr. Ford is something of a Crocean) is, briefly, not the language in which the triumphs of industry are achieved. Mr. Ford is preaching the sermon at A Grammarian's Funeral, and making it the funeral of grammar; an inflected language produces devious thoughts, not motor cars.

Advanced to the point of conceding that Mr. Ford is not a fool, I begin to fear that he may be a prophet. What he is saying is actually this: that we live in a mechanico-industrial age, as everyone knows, and therefore everything which fails to contribute to mechanics or industry is so wasteful, so much in the way of productiveness, that it must be destroyed. Eliminate foreign languages from our schools,

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says Mr. Ford, meaning: eliminate all such culture as is non- or anti-mechanical; that is, make America, in the first place, the one great purely industrial country. Nor is that sufficient. English must become a universal language; which may be translated: Europeans and Asiatics shall learn to think in the terms of American industry. If they are brought up in another tongue, that shall become secondary (as it becomes, for example, the language of thought, emotion, ease, but not of affairs, in the mouths of immigrants to America). Mr. Ford has, in brief, foretold the Americanization of the world.

It is distasteful to me, but I can see no flaw in his argument. "The world becomes increasingly full of things which must be done in English, if at all"—only in the last three words is there the faintest indulgence of other ideals. Must they be done at all? Possibly not; but the mere fact that they exist—power-generators and tiled lavatories and concrete mixers and candy-packing machines—is fair proof that they will require and receive attention. Industry, colonization, and prosperity, says Mr. Ford, suggesting exploitation, exploitation, and the rewards of exploitation, are the products for which English is the best tool, and what other tongue can claim as much in the open bidding for support?

One feels that to Mr. Ford industry is an end in itself, the divine end toward which creation moves. He does not give the impression of an intellectually generous man who might say, Those who wish to be industrial must learn English, and those who wish to be cultural should learn the other languages of culture (predicting, thereby, a world divided between industry on one side, and all the independent forms of creative life on the other, from bee-raising and monasticism to sculpture and debauchery). Certainly he sees no dangers in the industrial era he defines. But he is not quite fanatical. In the same interview he says that English "is the world's language. The world accepts it because justice, freedom, prosperity, and opportunity have higher meanings in English than in any other tongue." He has, then, ideals. Presumably in some way he sees the connection between industry and justice and freedom, as well as between industry and prosperity. Perhaps it exists. But it was in French of the pre-industrial time that Voltaire wrote, "I detest everything you say, and will fight to my last breath for your right to say it," and it was not in English that Christ and Confucius described a freedom and a prosperity at least as high as those of which Mr. Ford is the prophet.

GILBERT SELDES.

Adventurer

He hopes for greater circumstance; he dreams
Of Eldorado or a bright Yukon
Where gold is washed in ever-flowing streams.
A road where other vagabonds have gone
Leads him beyond the pillard hills of home,
A yard, a garden and a little house;
A finger points to Xanadu or Nome,
Far from the thraldom of a nagging spouse.

He dreams and dreams . . . Headlong the seasons roll:
Summer and Winter, Autumn and the Spring,
And yet he is no nearer to his goal
Than when he first began his wandering.
And yet, no matter how he builds his walls,
The mortar crumbles and the glory falls.

HAROLD VINAL.

A COMMUNICATION

The Waste in Advertising

SIR: The article by Mr. Stuart Chase in your issue of August 19 presents advertising in such a false light that I protest. . . .

The implication of Mr. Chase's article is that a great deal of advertising is a waste because it stimulates consumption of unnecessary things. . . . That is the real issue. Mr. Chase thinks all of these things have been created by advertising. Advertising should thank him for the compliment but it isn't so. These things satisfy elementary human desires but Mr. Chase, being a latter day Puritan, thinking of an ideal state from which all foolishness will be eliminated, sternly disapproves of these things and seeks to find something to blame for them. Happily he hits upon advertising as the most obvious thing.

Let us take for a moment the worst case on the whole list, patent medicine. Patent medicine advertising isn't wrong even if patent medicine manufacture and sale is wrong. It isn't wrong any more than the typewriters the manufacturer uses are wrong. . . . I can sell patent medicine without typewriters and I can sell it without advertising; lots of it is sold without advertising. Advertising is merely an expedient, merely a tool which a man may use or leave alone. The reason so many people use it is because it is such a good tool. I am told that burglars buy the best tools that they can get but we do not blame the tools for the prevalence of burglary. Mr. Chase does. He goes even further and says that anybody who uses these good tools is a burglar.

What constantly deceives Mr. Chase is that he confuses the fact of the efficiency of advertising with the question of its right or wrong. A tool is not right because it is dull and useless, and wrong because it is keen and fast cutting. A bootlegger sent out a circular letter and got an unheard-of percentage of orders. The returns from this letter would satisfy Mr. Chase completely on both counts of his indictment. There wasn't any waste of technic, and yet the result was all waste. The same number of letters advertising, we will say, a book on Economics, would perhaps have involved a technical 98 percent waste. But the blame, if any, must be put upon human nature, not advertising. . . .

Another thing of which I suspect Mr. Chase is ignorant is the fact that business men have discovered again and again, to their sorrow, that advertising is useless on a product which won't sell without advertising. In other words, you have to have the merit of public liking or usefulness before you can use advertising effectively.

Advertising could not have sprung into such wide use if it were a wasteful method of marketing. The very fact of its great economy is the reason for its enormous growth. It is just like farm machinery or automatic factory machinery enabling one man to do what ordinarily requires two to twenty men. . . .

I don't know how much further Mr. Chase goes in his thoughts but I do know that in his reference to the place of advertising in a "functional society," he implies that advertising somehow is to blame for the silly things with which people strive to lend variety and color to their lives and perhaps occasionally purchase a period of forgetfulness. These things may be foolish; stern Puritanism, both the old and the new, has always said that

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they are; the old that they were bad for the soul, the new that they are bad for the body.

We all know what the conception of a "functional society" is on the part of anybody who even uses the term—a place in which people will be prevented from doing the foolish things that they would like to do because a few very wise people have decided that they are not good for them. I know that it is silly perhaps for there to be something like 25,000 current styles in women's shoes. But if they give pleasure to women or to men, your broader economist will allow them but your latter-day Puritan who tells us, with the old Puritan, that most things that we like are not good for us, will say that such a waste should be eliminated. . . .

Of course, advertising is used in competitive selling. So are automobiles, adding machines, railroad tickets and lead pencils. And of course in a "functional society" there wouldn't be any competitive selling. Again from Mr. Chase's point of view, everything that is used in competitive selling is wrong, but why confuse the subject with the contemplation of some Utopia? The use of advertising in competitive selling is a tremendous economy over the use, we will say, of salesmen in competitive selling. As long as we have got to have competitive selling, we might as well do it as cheaply as we can. Advertising, regarded from that point of view, instead of being a scandalous waste is a distinct economy.

And there isn't as much of this competitive advertising as Mr. Chase would lead us to believe. Really the whole tenor of Mr. Chase's article is that all advertising is, as he expresses it, "an attempt on the part of the advertisers to shout each other down." This is far from truth. I suppose Mr. Chase doesn't even know that the better publications frown upon so-called competitive copy, and request—sometimes actually require—that the advertisements in their pages confine themselves to a discussion of the merits of their particular products and refrain from any reference to competitive products.

If Mr. Chase had had the slightest contact with the more progressive advertising men, he would know that their attitude is that there is more glory over one order created than ninety and nine taken away from the other fellow. And of course when he quotes Veblen on this topic he merely compounds error with error. If Veblen once heard one man say that he wanted to dislodge somebody from some market it would be, for Veblen, an eternal truth like the law of gravity.

Another thing that Mr. Chase doesn't know is that, as a general proposition, it is cheaper to create a new market than it is to take business away from the other fellow. But we needn't haggle over this because as long as it is possible to take business from the other fellow, some people will try to do it, and in trying to do it they will use the most efficient tool they can find. The question of whether competition is wrong or right has no place in this discussion. Mr. Chase thinks it is wrong and he is blaming advertising for it. His great error is that he is constantly thinking about advertising in an ideal "functional society" but he is writing about it in our present society. Yet even under conviction of that error, he must be charged with the greater error of very much overstating the case against competitive advertising.

Take my own business, if I may be pardoned for referring to it. We in the Johns-Manville organization felt very much elated several years ago when we created what was actually a new industry in the re-roofing with permanent, fireproof asbestos over perishable roofs. The idea saved the country millions and will continue to do so for many years. Now all of our competitors are advertising the same thing but they haven't taken any business away from us. We are all doing it, and so much the better.

Another misstatement in Mr. Chase's article is that "the purchasing power of the country does not materially vary." Can he have checked this statement? Isn't it generally known by everybody that our national income has increased prodigiously in the last twenty-five years? But even this misstatement isn't important. I don't make use of the argument that advertising is justified because it increases production and cuts down overhead. I never have taken very much stock in that argument because I see a complete justification for advertising as a lubricating oil on the machinery of distribution, as a distinct means for cutting the cost of distribution even where production may remain constant over a considerable period of years.

Now there is waste due to faulty technic. But it isn't true that the majority of the advertising craft is heedless of this waste. Nearly all of us know that there is waste and we are striving all the time to reduce it. . . . I can prove to Mr. Chase that its percentage is very small.

It doesn't seem to me that 600,000 workers is an enormous percentage of our total population to be devoted to work which is a part of the job of distribution. Six hundred thousand workers is one-half of 1 percent of the total population—1 person in 200. If we didn't have advertising it would take many more than 600,000 people to distribute the same amount of goods. Mr. Chase's reply, of course, is that we shouldn't distribute the same amount of goods, and there again we come to the thing that invalidates his whole article: what he really is attacking is something that he regards as over-consumption. It doesn't seem to me that it is straight thinking to blame the fact of a thing on the means that we use for accomplishing it. You can't have over-consumption unless people want to over-consume and get pleasure or satisfaction from it. Mr. Chase says that 90 percent of the 600,000 workers, or 540,000 of them, in a "functional society" would be turned to production. I ask Mr. Chase in return, what we would do with the stuff they produced since we had deprived ourselves of one of the most efficient and economical aids to distribution?

But this is not a fair question because it involves the very confusion which, as I have said, invalidates Mr. Chase's entire article. He is writing about advertising today but he is thinking about advertising in an ideal "functional" state. He is confusing two questions, whether or not it is a waste today and whether or not it would be a waste under a very different organization of society. I am talking about advertising in terms of the present. I am saying that it is an economical aid to distribution and that the question of whether or not the things we make and distribute are good for us is an entirely separate matter into which a discussion of advertising should not enter. If they are bad for us, let's stop making them and the advertising will stop.

As I said in the beginning, if it is wrong to make and distribute many things then don't blame it on a cog in the machinery. There is, of course, some waste in advertising as I have freely admitted, but the percentage of waste is small and the implication in Mr. Chase's article is that it is gigantic and scandalous and, to quote his title, "a tragedy."

W. S. Lockwood,
Advertising Manager, the
Johns-Manville Co.

New York, N. Y.

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The Importance of the World Court

The Permanent Court of International Justice and the Question of American Participation, with a Collection of Documents, by Manley O. Hudson. Cambridge: Harvard University Press. 389 pages. $4.

THIS volume consists of a collection of articles published during the last three years in various journals by Professor Hudson, one of the most ardent and enthusiastic supporters of the League of Nations and the so-called World Court. The first part of the book consists of an article on the establishment of the Permanent Court, three articles on the work of the Court during its first three years respectively, and an article on advisory opinions in national and international courts, though the new Court is the only international court to which that function has ever been confided.

The second part of the volume is devoted to the question of American participation, and consists of nine articles, to some extent repetitious, designed to show why the United States should adhere to the procotol establishing the Court. The author deals with America's Relation to the Court, A Suggested Method of American Participation, and combats certain projects and objections which have involved criticism of the Court, such as "the outlawry of war," the Court's lack of obligatory jurisdiction, the fact that the Court has jurisdiction only over disputes legal in character, that each dominion of the British Empire has a separate vote in the election of judges, and other matters. Appendices of ninety pages contain the most important documents relating to the Court.

The first part of the book describing the establishment and the work of the Court is informative and useful. A good summary of the judgments and advisory opinions rendered by the Court is presented. The author, however, is an advocate rather than an objective critic and we are therefore not surprised to find occasional fulsome indulgences, such as that a "thirty years' struggle for the establishment of an adequate international court has at last come to fruition"; that it is a "replica of the Supreme Court" and "indispensable to the international law of the future," a "dream of the ages" "realized in our time"; or Dean Wigmore's ebullient quoted statement (p. 44) that "it should have given to every lawyer a thrill of cosmic vibration." Mr. Hudson describes the origin of the Court through the initiative of the Council of the League of Nations and the Committee of Jurists, and remarks that "several modifications" were made by the Council in the draft of the plan submitted to it by the Committee of Jurists; but he might have emphasized that one of these changes, making the jurisdiction voluntary instead of obligatory even within the limited range of legal controversies which can come before the Court, was fundamental in character. In the reviewer's judgment, this alteration, though not surprising, indicated clearly that the world had not materially changed, that the larger nations were still unwilling obligatorily to submit to a court the most distinctly legal of questions, and that we had gotten not a whit nearer to the general peaceful settlement of international disputes than we were before. This does not mean that the new Court is not to be welcomed, for any agency to settle any issue between nations is useful. The Court has been employed about as frequently as could be expected, and it has done its work well, though confined largely to the interpretation of the treaties of peace or the mandates or other arrangements arising out of the treaties. But when the advocates of the Court tell us that a "new day" has come, and that this Court constitutes an important agency for peace, it is proper to point out the actual facts and deflate the easy assertion. Mr. Hudson says, for example (p. 212):

> The issue is drawn more plainly each day between those who want to set up machinery for the settlement of international disputes according to law and those who in disdain of all effort would continue the present anarchic state. For it is surely demonstrable by this time that the issue is really between those who believe in this International Court and those who would do nothing toward setting up machinery to prevent a recurrence of the kind of catastrophe through which the world has just passed. . . . We have always had opponents to the American efforts to further organization for the world's peace.

This seems extraordinary. This Court has no power to deal with any question which could normally cause a great war or which could seriously disturb international peace. Indeed, Mr. Hudson, in another part of the book (p. 224) admits that "it is chiefly with reference to non-juridical questions that nations are likely to fight. For the most part, the kind of case that comes before the courts —the kind of case that has come before the Permanent Court of Arbitration, for instance—is not the kind of case which leads to war"; and again (p. 283): "It is true that the larger political questions about which nations might go to war will not generally come before the Court." The earlier statement that opponents of America's "joining" the Court are obstructing "the world's peace" is thus contradicted—correctly so—by the author himself. It is his enthusiasm, not his lack of knowledge, which leads him into such extravagant and vulnerable declarations.

Nor have the Court's advisory opinions, which mainly have occupied it, always had the happy results the author supposes. Those relating to the German minorities in Poland, though accepted by the Council, were practically set aside through political arrangements between Poland and the Council which deprived the minorities in question of much of the protection which the advisory opinions had afforded, and thus stirred up hatreds which alarm students of European affairs. Nor is the Council obliged to accept an advisory opinion. A change in the personnel of the Court may some day result in a majority for the secret opinion, for which there is even now some support. Only the strenuous efforts of some of the judges prevented the Court from assuming jurisdiction in the Eastern Carelia case over absent Russia, and one of the reservations which the Senate should under present conditions adopt, should the United States agree to adhere to the protocol, is that no advisory opinion shall be given in any case affecting the United States without its express consent. While the practice of giving advisory opinions is essentially non-judicial the Court has conducted the hearings and given its opinions according to judicial methods; if there were some way to insure the acceptance of the opinion by the political Council of the League, there is no reason why the function of giving advisory opinions should not be supported and enlarged. But declaratory judgments (p. 138) should not be brought into a discussion of advisory opinions, except perhaps to make clear how utterly different they are.

In refuting the arguments of the advocates of the outlawry of war, Mr. Hudson remarks (p. 225) that the

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"Council and Assembly of the League of Nations . . . were created as a result of 'the acceptance of obligations not to resort to war' in the Covenant of the League"; the "Covenant . . . represents a solemn attempt by fifty-two peoples to outlaw war." Perhaps this is the reason why we have today in Europe standing armies and war equipment greater than ever before in history. Mr. Hudson also finds (p. 216) that these fifty-two "peoples" are coöperating in the League "with the hope that it would mean the dawning of a new day in international affairs." If the last seven years furnish the demonstration of what they mean by the "new day," peace lovers have no special reason to become optimistic. Mr. Hudson adds (p. 15) that "the Covenant of the League envisages the firm establishment of the understandings of international law as the actual rule of conduct among Governments," but this also must be read in the light of the fact that the very Treaty of Versailles which gave birth to the League violates some of the most elementary and long-established rules of international law, for example, by the wholesale confiscation of private property under article 297.

When we find that some of the most vociferous advocates of the League and the World Court—not, however, Mr. Hudson—are among the strongest supporters of confiscation and the seemingly profitable violation of international law, we lose some of our confidence in the genuineness of their respect for law and order and peace. Indeed, one may well suspect that their advocacy of the World Court, with its limited functions, has a political motive having little relation to either law or peace. But as our adherence to the Court will probably have no appreciable effect on anything, it is a safe thing for political parties to support. It is only unfortunate that so much time has been given to the matter, while the real forces that make for international strife are allowed to ferment under public indifference to their inevitable results. This deflection of public attention from the realities of international life, which affect everybody, to the minor devices which generally affect a few claimants only, is to me the regrettable feature about the great artificial issue involved in the World Court and the question of American participation. That is my main criticism of the second part of Mr. Hudson's book. He deals with the World Court in vacuo, not in relation to the other factors of current international affairs. A better perspective would show that Europe is still Europe, "with a set of primary interests which to us have none or a very remote relation," engaged in its age-old manœuvring for power and place. Economically, the struggle is proceeding with all the old and some of the new weapons of unfair competition, under so-called treaties of peace which are more likely to prove guaranties of war. Under these circumstances, neither the League nor the Permanent Court of International Justice obtained a fair chance to function, as Mr. Hudson admits when he says (p. 180) that the Court was born at an inauspicious time, "at the end of a world war which freshened men's faith in force." The rôle of the Court in changing the outlook of the world or of Europe from war to peace, from violence to law, is not likely to be very effective. Before that "new day" can come, life must again be made tolerable and property secure for the masses, and the social and political conditions which engender distrust, fear, despair, hatred, resentment and greed, tempered or removed. Only then can we hope to achieve that will to peace, without which a World Court is but a feeble safeguard against war.

EDWIN BORCHARD.

A Test for Racial Color-Blindness

The Little Dark Man, by Ernest Poole. New York: The Macmillan Company. $2.

Before the Dawn, by Toyohiko Kagawa. New York: George H. Doran Company. $2.50.

TO what degree is the average Anglo-Saxon color-blind to Oriental or even near-Oriental shades of emotion and codes of conduct? Two recent books—one a faithful transcription of Russian folklore, the other a translation from the Japanese of a popular "realistic" novel—will serve as tests for the reader's imaginative vision. Ernest Poole, in The Little Dark Man, has been accurate to the point of ungainliness in his rendering of stories heard in Russia, but, to our thinking, is only partially successful in transmitting the spirit of Slavic tradition. There is, to be sure, descriptive power and pictorial quality in The Dormeuse and, intermittently, in the tale which gives the book its name. Stories His Uncle Told are robust peasant-lore, pithy and redolent of the soil, recorded simply and sincerely. The fantastic group of legends entitled Mother Volga comprises a whole mythology, with the occasional curiously familiar features—such as the "Jephthah's daughter" incident—so often encountered in comparing national myths. One feels the value of the collection as a contribution to folklore, but there is no wider appeal in the peasant tales. The stories dealing with "supernatural" occurrences—apparitions, warnings and whatnot—although comparatively commonplace, have a broader range of sympathy. It is disappointing to find a sincere effort by an able craftsman so curiously lacking in the essential quality of magnetism.

If we turn from transcription to actual translation and let a Japanese "realist" present the life of the Far East for our appreciation, we stiffen our color test considerably. Not only the material but the spiritual background is startlingly foreign, and one is constantly aware of the grotesque contrast of modern European notions, social and commercial, with deep rooted national tradition. In a setting of factories and trolleys, telephones and movies, the Japanese family remains at the mercy of the father's lightest whim, and the position of women appears still to be that of semi-articulate live-stock. The book reveals also an extraordinary mutability of temperament and lack of emotional restraint in its characters that is wholly amazing, and, to the comparatively phlegmatic foreigner, often ludicrous. The hero, an irresolute idealist of neurasthenic tendencies, sheds tears as copiously as the late Elsie Dinsmore. Not only his woes but his joys are thus irrigated, and his courtship is positively sodden. He "went to see her every day, talking and crying in a very delightful manner."

The story of Eiichi's life and work in the slums, drawn from the author's own experience as a "social worker," is perhaps the most interesting part of the book—bearing witness as it does to an attempt to carry out in practical conduct the literal teachings of Christ—non-resistance, the division of one's goods with the poor, and complete unconcern for the morrow's material needs. One wonders whether this primitive form of Christianity is the one generally received in Japan rather than subsequent synthetic brands; whether the Western philosophies familiarly referred to by the collegians of the story have found sym-

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pathetic understanding in the Far East; if the influx of Western thought will affect social as it has economic conditions there; one wonders, in reading this strange book, innumerable things that have nothing to do with its qualities as a work of art—which may be the best of all reasons for making a gallant struggle against local color-blindness and undertaking the experience.

DOROTHY BACON WOOLSEY.

Child Labor and Education

American Apprenticeship and Industrial Education. By Paul H. Douglas. New York: Longmans, Green and Company. 348 pages. $3.25.

THE re-issue of this thoroughly prepared and well-written monograph is particularly timely in view of the lingering confusions and suspicions about child labor reform which are the most unfortunate consequence of the recent campaign for and against the proposed Twentieth Amendment to the federal Constitution. The object of child labor reform, stated negatively, is the prevention and prohibition of premature, excessive or unsuitable work; but stated positively, it is adequate preparation for, intelligent guidance into, and help in proper adjustment to, occupational life. The greatest vocation of all is life itself, and the ultimate employer is society.

Apprenticeship, Dr. Douglas begins, is essentially a combination of education and industry. Originally apprenticeship was a preparation for life, not a preparation for technical pursuits alone. The English guilds formerly acted as the moral and educational supervisors of the apprentice. In Colonial America,

> The state supervised the training of the child until he came to maturity. The master was compelled to teach the apprentice his trade, to give him the rudiments of a liberal education, and to impart sound morals . . . The whole youth of the child in industry, not merely his working day, was supervised and directed.

Not only by rendering virtually obsolete the old apprenticeship, but by destroying the self-sufficing, microcosmic economy of home and local community, by breaking up occupations into separate, repetitive machine processes, and by creating a vast number and variety of blind-alley jobs, the Industrial Revolution made a new thing of child employment. Children ceased to be either protected or educated in their work. Apprenticeship had given them "moral oversight and a steadiness of employment. Today with the breakdown of apprenticeship we allow the child to shift for himself. We allow him to drift into employments that are socially and individually harmful. We wash our hands of responsibility, and in consequence both the child and the nation suffer."

The major tasks of child labor reform in this country now have to do with boys and girls fourteen years of age and over. In a paragraph Dr. Douglas summarizes the detailed facts and figures of a chapter:

> For the average child of from fourteen to sixteen, school life is over and industrial life has begun. Whatever his reasons for leaving school, whether poverty or apathy toward the school itself, he has little idea what particular trade he wishes to follow. He does not know what particular occupations need boys and girls nor which will afford him a future. He takes the first job that he finds, an unskilled job; works for some time, perhaps a few weeks or a few months; finds that there is no opportunity to learn the trade, that the pay does not loom so large as it did at first; he is tired by the monotony of the task, and quits. He runs about the streets and casually looks for another position. After a while he finds it. It is another unskilled job. He works a short time at this task, and then leaves it as he did the first. And so he drifts from job to job, from industry to industry, still unskilled, and exposed to all the social and industrial evils that threaten adolescence. Once grown, he is crowded out of his job forever by another younger crop of workers, and finds himself one of the permanently unskilled with the attendant low wages and unemployment of his class. He had nothing to sell but his youth; he sold it, and received nothing in return.

Apprenticeship always had its faults and came to have its perverted forms (as seen in the English traffic in pauper apprentices and in the American practice of "binding-out"), but it helped to fulfill those purposes of protection, preparation, guidance and supervision which are the essential aims of child labor reform today. Apprenticeship now functions and serves within comparatively narrow limits, and affects but a small proportion of working children and youths; and as Dr. Douglas says, it "can never revive appreciably under modern industry with all of its impersonality, its division of labor, the ephemerality of the relationship between worker and employer, and its basic motive of profit." Something, it is true, might be done to re-revolutionize industry, but Dr. Douglas is concerned with the development, under existing conditions, of a substitute system for the old apprenticeship—one "which will modernize the good features of the former system and add to them merits which it did not formerly possess." His program includes such items as vocational education, part-time coöperative and continuation schools, educational and vocational guidance, and employment supervision, matters which he discusses at some length.

With Professor John Dewey he agrees that the age of compulsory full-time schooling should be raised to sixteen years. Though Dr. Douglas does not refer to child labor legislation or the proposed child labor amendment to the Constitution, and does not even use the term "child labor" (an unsatisfactory term it is, indeed), he shows clearly, nevertheless, that child labor is largely a school and educational problem, to be solved largely through school and educational measures adopted by state and local action. To the accomplishment of his program the child labor amendment, contemplating the establishment of such national minimum standards of child employment as may be required by the grosser deficiencies of state child labor laws, bears no distinct or definite relation; but many will see such a relation from the fact that he advocates "an extension of the existing system of federal aid" for school purposes, and declares that "education deserves to be administered by a federal department, whose secretary would be a member of the cabinet." It appears to not a few opponents of the amendment that federal power to regulate child labor is sought as a preliminary to federal control of education, and assuredly there is some reason for believing that if either is granted, both should go together.

RAYMOND G. FULLER.

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Ethics of Nationalism

The Indestructible Union, by William McDougall. Boston: Little Brown and Company. 249 pages. $2.50.

PROFESSOR McDOUGALL'S book is a disappointment to anyone who looks to philosophers to bring a judicious and scientific calm into political discussion. Perhaps it is the publishers rather than the author who are responsible for its presentation with sentiments kommonly kalled klannish on the paper jacket. But surely no one but the great psychologist himself is to blame for foggy mysticism in discussing the ethics of nationalism and for contumelious treatment of all opinions contrary to his own.

The Indestructible Union is much more than a plea against making America a "melting-pot" for peoples and cultures, however. It presents a three-fold thesis:

First, that Nationalism and Democracy are necessarily complementary political tendencies. Patriotism, which is their ethics, is "an indispensable agent of the moral elevation of man; and perhaps those are right who assert that patriotism is a greater moral force than religion, a more indispensable condition of the good life of men in general." (p. 61.)

Second, that a danger to national unity "has arisen from the enormous increase of immigration and from the change of type of the immigrants." (p. 129.)

Third, that America as a nation must grow up. We must cure the "moral obtuseness that goes with the childlike naïvety of America in world affairs," (p. 237) and face the supreme test of a democracy, the successful conduct of an honorable foreign policy.

In this third phase of his argument, Professor McDougall is at his best in fundamental courage and good sense. He is on the side of the angels in his clear development of an argument in support of the principle that "States cannot form an orderly community of States, without sacrificing their sovereignty to the extent of rendering themselves liable to the compulsion of international law." (p. 80.)

But so far as the nation under clinical examination is concerned, the international conduct of these United States has evidently been pretty bad. Professor McDougall quotes and leans upon the formula "the right of nations to self-determination," but he evidently does not believe that the United States or any of its spokesmen had any influence in helping that doctrine toward a practical application. Castigating us for international irresponsibility, as shown in a tardy entrance into the late War, he says:

> The wide acceptance of President Wilson's childlike utterances, of his demand for peace without victory, of his denial of any difference of moral status between the conflicting nations, illustrated this fact. It was further illustrated by the unseemly haste with which America dissociated herself from those nations which she had assisted to win the War. The common, the characteristic, national attitude was that of one who retires hastily, gathering her garments about her lest they be contaminated by contact with the sordid and filthy rags of the poor creatures whom she had charitably condescended to deliver from a perilous situation. (p. 236.)

And he adds a footnote: "The last straw broke the camel's back, and that last straw has, no doubt, continued ever since to claim that it did the trick." Why "no doubt?" Doesn't Professor McDougall know whether or not we claim to have won the War? He is sure on points much less controversial.

This passage is an example of the fact that the faults of the book are more in manner than in substance. A great many Americans will readily admit that we made a mistake in failing to follow the appeals of the "childlike" Woodrow Wilson for continuous participation in the European settlement. This sort of scolding makes us wonder if we could ever have acted in such a way as to please our allied associates. And it drives us to recall that although we did supply the Allies with capital and munitions at their urgent prayer, and in so doing made a good deal of money, we ceased to reap that profit as soon as we were convinced that we also had a quarrel with Germany. Also that while we were declining to sign the Treaty of Versailles, join the League of Nations, and accept "mandates," we were spending a good many of our millions in an effort to feed, clothe and cure the victims of war in every country where our help was accepted, including that of our late enemies. Perhaps our manners in doing what a majority of citizens thought was our duty may have been supercilious, but Professor McDougall is a poor tutor in generous urbanity.

In the second part of the argument, the plea for keeping America Anglo-Saxon in blood and culture, we are offered the standard warnings and expected conclusions. The discussion is neither better nor worse—certainly not more scientific in spirit—than most of what has been written on the subject.

However, this is a study by a psychologist. His penetration of our national character by the technical methods of his science should be his peculiar contribution to our knowledge of ourselves. Here is his picture:

> The typical American, the perfect type of Americanism, remains the frontiersman, such as Daniel Boone, a man of all-round capacity, hopeful, bold, enterprising, adventurous, even fierce, yet gentle, self-controlled, cautious, sedate and imperturbable under all conceivable circumstances, and always public-spirited, pious and patriotic. Such men, their virtues disguised under their business suits, and their rifles and axes exchanged for portable typewriters, still abound in America. (p.135.)

He finds this romantic figure overshadowed unhappily in these latter days by immigrants less like a schoolboy's hero. He quotes the historian Turner as witness to the fact that "pioneer individualism is disappearing." (p. 173.) But he holds to his faith in our persistent sublimities.

How then, a thoughtful reader might ask, does this Anglo-Saxon paragon, blown up with the mystic afflatus of patriotism, contrive to be such a dolt in international affairs? Why are we, like most other nations, so graceless in our treatment of other nations? To put the searching question in the terms of James Bryce—evidently acceptable to Professor McDougall as an authority—

> If the moral standards of States have been generally lower than those of the average good citizens in a civilized country, why has this been so? (Lectures at Williams Institute of Politics, 1921.)

Professor McDougall himself gives the answer:

> In any international dispute the great majority of the citizens of either party to the dispute are apt to find themselves in close agreement, their moral judgments being swayed or biased in the same direction by their

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> common patriotism. . . . Hence arise those profound differences of moral judgment on particular issues, differences that divide nations in spite of their acceptance of a common code of morality, differences that easily give rise to acute conflicts. (p. 233.)

How true! And what a comment on the chief ethical dictum of the book, that patriotism is "an indispensable agent of the moral elevation of man."

That patriotism must be purified, Professor McDougall agrees. How it is to be purified in anyone who subscribes to his doctrine of the "supreme value of nationhood" (p. 46) is not made convincingly clear.

LYMAN BRYSON.

New Fiction

The Kenworthys, by Margaret Wilson. New York: Harper and Brothers. $2.

THIS second novel by the winner of the Harpers' prize competition for 1923 and the Pulitzer prize for 1924 is not what readers of The Able McLaughlins are likely to expect. The first had all the popular ingredients: a foreground of definite and interesting local color; a rising action of success, spiritual and financial; and, finally, the dark—and doubtless to many alluring—background of a rape, which, committed before the story really opens, casts its shadow over nearly every page.

In The Kenworthys Miss Wilson abandons every one of these elements. There is almost no local color; the action leads to defeat and tragedy; the sexual theme is self-mastery. That this book represents an artistic advance is obvious, though superficially the two novels have a good deal in common. Both are written in colloquial American so loose that one is not always sure whether certain improprieties are the author's or her characters'. The perfect mother, called home to glory in an early chapter, appears in both, as the only sentimental concession. In both books, Miss Wilson exhibits the uncommon faculty of facing unpleasant facts without either morbidity or unction.

In a sense, The Kenworthys is a study of divorce in our time, and especially of its effect on the child. In another, it is not a study at all, for the author's gift for character takes her discussion completely out of the abstract. The chief persons are a man, his son, and his brother's wife. All three are sorely tried in this world. Man, child, and woman, all three manage to achieve varying degrees of control over their wild desires. The boy's mother does not manage; apparently she does not even try. She is the evil genius of the Kenworthys—her baleful influence is omnipresent. But she never actually appears.

The boy is the hero. He is about the most interesting boy in American fiction. In a dozen chapters Miss Wilson has shown a more inward understanding of the adolescent male than her most famous colleague has in all his volumes. The scene in which Jim Kenworthy wins back his son's confidence is almost uncanny in its penetration of the child's clouded mind.

The story is simply but often passionately told, with little of that slightly gelid adherence to uncontaminated objectivity which made Miss Wilson's first novel "distinguished"—in the worst sense of that term. It is quite as sophisticated, but strikes deeper roots. Margaret Wilson has done more, this time, than write a clever novel. She has shown a mastery of her material which marks her for the future.

HAZELTON SPENCER.

The Perennial Bachelor, by Anne Parrish. New York: Harper and Brothers. $2.

MISS PARRISH has written a delightful book on an approved modern plan—a combination of family and period novel. Each character is a strip of bright, fast color, firmly twisted into the braid of family experience, which is woven into the background of life in the pleasant, flowering half-southern country of Delaware or Maryland. The period is that after the Civil War. Its progress is marked by a profusion of characterizing matters, dresses, furniture, dishes, games, manners, popular dances and especially songs, all of which give the assured charm of reminiscence. The book is rich in pleasure-giving quality, but the theme is a stern one—the tragedy of the weak clinging to and strangling the strong, and all together sweeping toward an inevitable darkness. Miss Parrish's art is shown in the persistence of her theme through changes of mood. Her story begins like Louisa Alcott and ends like Thomas Hardy. Over it all is the light of the past, golden at first, fading slowly to silver and gray:

> As some green afternoon
> Turns toward evening and is loath to die.

Prairie, by Walter J. Muilenburg. New York: The Viking Press. $2.50.

PRAIRIE follows Miss Parrish's novel by the attraction of similarity and contrast. The latter has something of the richness of background of English fiction, while the former suggests the bleakness and austerity of Norse. But the human theme is in a sense the same, the strong overborne by the weak. Elias Vaughn battles with the Dakota prairie, bearing meanwhile the burden of the unfit, imposed by the weaker strain to which he has united his own strong loins. There is little joy in Prairie—only occasional surcease of weariness and pain. There is little action—only a brooding monotony. When Elias finally puts his burden from him he loses all hope of individual meaning in his struggle. Nevertheless, the soil is conquered.

R. M. L.

Contributors

SISLEY HUDDLESTON is a former Paris correspondent of The London Times and the author of Poincaré, A Biographical Portrait.

ARTHUR E. SUFFERN is a member of the Institute of Economics, Washington, D. C.

S. SHELDON GLUECK is an instructor in the Department of Social Ethics, Harvard, and author of Mental Disorder and the Criminal Law.

HAROLD VINAL, publisher, is the editor of Voices, a journal of verse.

EDWIN M. BORCHARD, Professor of Law at Yale University, was expert on international law for the United States in the Fisheries arbitration and Counsel for Peru in the Tacna-Arica arbitration.

DOROTHY BACON WOOLSEY contributes book reviews and critical articles to magazines.

RAYMOND G. FULLER, Executive Secretary, Massachusetts Child Labor Committee, is the author of The Meaning of Child Labor, and Child Labor and the Constitution.

LYMAN BRYSON, writer, spent five years in Europe and the Orient as a member of the secretariat of the League of Red Cross Societies.

HAZELTON SPENCER is a member of the English department of the State College of Washington.

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